



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twelfth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) Nos.13242 and 13243 of 2016

BHARATH

... PETITIONER/ACCUSED NO.1 IN
CRL.OP (MD) NO.13242/2016

1.ATHINARAYANASAMY
2.VIJAYAKUMAR
3.RAJIVGANDHI

... PETITIONERS/ACCUSED NOS.2 TO 4
IN CRL.OP (MD) NO.13243/2016

Vs

THE STATE
REP BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SATTUR ,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.12 OF 2016)

... RESPONDENT/COMPLAINANT IN
CRL.OP (MD) NO.13242/2016

THE STATE
REP BY THE INSPECTOR OF POLICE
SATTUR ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.12 OF 2016)

... RESPONDENT/COMPLAINANT IN
CRL.OP (MD) NO.13243/2016

For Petitioner : M/S M.SOLAISAMY Advocate

For Respondent : M/S.P.KANNITHEVAN,

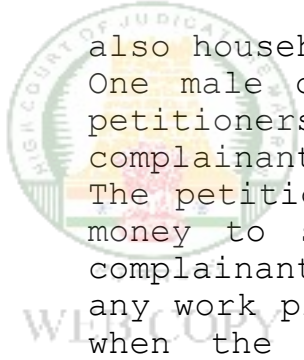
Government Advocate (Crl. Side) in both the Petitions

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498-A, 406, 506(i) IPC, read with Section 4 of Dowry Prohibition Act, in Crime No.12 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the
<https://hcservices.ecourts.gov.in/hcservices/>
defacto complainant and A1 was solemnized on 14.06.2012. At the time
of marriage, 8 sovereigns of gold jewels, cash of Rs.10,000/- and



also household articles worth about Rs.10,000/- were given as dowry. One male child was born in the wedlock. After marriage, all the petitioners demanded additional dowry. The father of the defacto complainant purchased a plot in the name of the defacto complainant. The petitioners pressurised her to sell the said plot and give the money to set right the debts of A2. The father of the defacto complainant arranged a T.V. Mechanic shop for A1 and he did not do any work properly. All the petitioners consumed liquor together and when the same was questioned by the defacto complainant, the petitioners abused, attacked and tortured her and thrown out her from the matrimonial home and also threatened her with dire consequences. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioner already given a compliant against the defacto complainant before the respondent police. On that compliant, enquiry was conducted and closed. Suppressing the fact, the defacto complainant lodged a false complaint against the petitioners. The earlier petitions filed by the petitioners seeking anticipatory bail, were dismissed by this Court, by order, dated 20.07.2016, in CrI.O.P.(MD).Nos.12024 and 12025 of 2016. This is their second anticipatory bail petition.

4.The learned Government Advocate (CrI. side) submitted that the petitioners harassed the defacto complainant demanding additional dowry and also threatened with dire consequences. The investigation of the case is pending.

5.Considering the fact that at the time of hearing the earlier petition, the fact that the defacto complainant already gave a complaint, was not brought to the notice of this Court, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Sattur, on condition that each of them shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner/1st accused shall report before the respondent Police daily at 10.30 a.m. until further orders and the other petitioners shall appear before the respondent Police as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to



take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
12/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO. I
SATTUR

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

4. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SATTUR TOWN,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S M.SOLAISAMY Advocate SR.No.44225

RL/6C/3P/AAL/MPA/SARI/23/8/2016

ORDER
IN
CRL OP (MD) Nos.13242 and
13243 of 2016
Date : 12/08/2016