



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

Monday, the First day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13427 of 2016

1 MARIYA VICTOR

2 JOSHI @ JOSHI EDWITCH ... PETITIONERS/ACCUSED 7 & 8

Vs

THE STATE TAMIL NADU REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.8 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.MANIMARAN Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

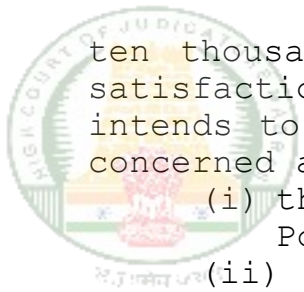
The petitioners, who are arrayed as Accused Nos.7 and 8 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109, 497, 498(A), 406 IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.8 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that A.1 married the de facto complainant. After the marriage, the accused persons harassed the de facto complainant demanding more dowry. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. They were not at all involved in the alleged occurrence. They are only in-laws of the de facto complainant.

4.The learned Government Advocate (Criminal side) submitted that on the complaint given by the de facto complainant, a case has been registered and investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners only in-laws of the de facto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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.3, Kanyakumari at Nagercoil, on condition that each of the petitioners 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 petitioners shall report 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/-
01/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, KANYAKUMARI AT NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S R.MANIMARAN Advocate SR.No.40873

SMN
CSL/SKS-RR/SAR-III/03.08.2016 :2P/6C

ORDER
IN
CRL OP(MD) No.13427 of 2016
Date :01/08/2016