



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

Wednesday, the Third day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.13725 of 2016

WEB COPY

1 MARIYAPPAN
2 MUTHESHWARAN
3 MUTHESHWARI

... PETITIONERS/ACCUSED No.1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ANDIPATTI, THENI DISTRICT.
[CRIME NO. 9 OF 2016]

... RESPONDENT/COMPLAINANT

For Petitioner : M/S B.JEYAKUMAR 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.1 to 3, apprehend arrest at the hands of the respondent police for the offences punishable under Section 498(A) IPC and Section 4 of Dowry Prohibition Act, in Crime No.9 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that A.1 and the de facto commencement loved each other and the marriage between the de facto complainant and A.1 was solemnized on 29.06.2014. At the time of marriage, the parents of the de facto complainant gave household articles worth Rs.1,50,000/- to them. After the marriage, at the instigation of other accused persons, A.1 has harassed the de facto complainant demanding more dowry and also thrown out her from the matrimonial home. 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. Due to misunderstanding, A.1 and the de facto complainant are living separately.

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, 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, Andipatti, Theni District, 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 first petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders and the petitioners 2 and 3 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/-

03/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, ANDIPATTI, THENI DISTRICT.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ANDIPATTI, THENI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S B. JEYAKUMAR Advocate SR.No.41667