



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

Thursday, the Fourth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13858 of 2016

1 KASTHURI,,
2 ESAKKIMUTHU
3 SURAIKA,

... PETITIONERS / ACCUSED NO.2 TO 4

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, COLACHEL ,
KANYAKUMARI DISTRICT
CR. NO. 11 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

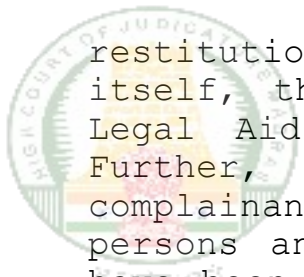
For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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.2 to 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 406 IPC r/w Section 4 of Dowry Prohibition Act, in Crime No.11 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the petitioners is that the first petitioner is the sister-in-law of the defacto complainant and the second petitioner is the husband of the first petitioner and the third petitioner is the daughter of the petitioners 1 and 2. Further, the marriage between the defacto complainant and A1 was solemnized on 27.05.2011. After the marriage, the defacto complainant often developed quarrel against her matrimonial home. One male child was born in the wedlock. The defacto complainant voluntarily left from the matrimonial home and she did not permit the petitioners and her husband to see her son. Hence, A1 filed H.M.O.P.No.65 of 2014 before the Sub-Court, Padmanabapuram at Thuckalay, for divorce and the same is pending. Further, she has also filed O.S.No.259 of 2015 before the said Court, seeking monetary reliefs and the same is pending. But, till now, the defacto complainant did not choose to file a petition for



restitution of conjugal rights. Moreover, in the year 2014 itself, the defacto complainant lodged a complaint before the Legal Aid Services, Eraniel, and the same is also pending. Further, from the year 2013 onwards, A1 and the defacto complainant are living separately. The petitioners are innocent persons and they are no way connected with this case and they have been falsely implicated in this case. The co-accused/A5 to A7 have already been granted anticipatory bail by this Court, vide order dated 26.07.2016, in CrI.O.P.(MD).No.12827 of 2016.

3.The learned Government Advocate (Criminal side) submitted that the petitioners along with other accused persons tortured the defacto complainant by demanding additional dowry and threatened her, if she fails to bring additional dowry, they will arrange marriage between A1 and A4. On receiving complaint, a case has been registered and investigation is pending.

4.Considering the facts and circumstances of the case and also considering the fact that the co-accused. A5 to A7 have already been granted anticipatory bail by this Court, in CrI.O.P. (MD).No.12827 of 2016, vide order, dated 26.07.2016, 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, Eraniel, 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 10.30 a.m. until further orders and the other 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]**.

5.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/-
04/08/2016

/ TRUE COPY /

WEB COPY

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

PJL

TO

- 1 THE JUDICIAL MAGISTRATE, ERANIEL
- 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.41979

GJM/NGM/MP/SAR-III-12.8.16-3P-6C

ORDER
IN
CRL OP(MD) No.13858 of 2016
Date : 04/08/2016