



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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14158 of 2016

1 R.MAHADEV,
2 R.RAVI SWAMINATHAN,
3 PUSHKALA @ KALA RAVISWAMINATHAN, ... PETITIONERS / ACCUSED
RANK NO.1 to 3

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CANTONMENT, TRICHY.
(IN CRIME.NO.18 OF 2016) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S P.GANAPATHI SUBRAMANIAN 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 Sections 498(A) and 406 IPC, in Crime No.18 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 de facto complainant and A.1 was solemnized on 01.02.2013. At the time of marriage, the parents of the de facto complainant gave 65 sovereigns of gold jewels and household articles worth Rs.3,00,000/- as dowry and they also spent Rs.5,00,000/- for marriage expenses. After the marriage, the accused persons have harassed the de facto complainant demanding more dowry and 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. The de facto complainant left the matrimonial home on her own volition. The first petitioner filed H.M.O.P.No.343 of 2015 before the Family Court, Trichy for divorce and the same is pending and the de facto complainant filed M.C.No.3 of 2016 under the provisions of Protection of Women from Domestic Violence Act, 2005 and also M.C.No.130 of 2016 before the Family Court, Chennai and the



same are pending. As a counter-blast to the proceeding initiated by the first petitioner, the de facto complainant has given a false complaint against the petitioners. The first petitioner is working as a Deputy Manager of HDFC Bank, Perambalur and the second petitioner is working as a Manager (HR), State Bank of India, RBO-I, Trichy.

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 first petitioner filed H.M.O.P.No.343 of 2015 before the Family Court, Trichy for divorce and the same is pending and the de facto complainant filed M.C.No.3 of 2016 under the provisions of Protection of Women from Domestic Violence Act, 2005 and also M.C.No.130 of 2016 before the Family Court, Chennai and the same are pending, 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.II, Trichy, 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 petitioners shall report before the respondent Police daily at 07.00 p.m. until further orders and the petitioner2 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.

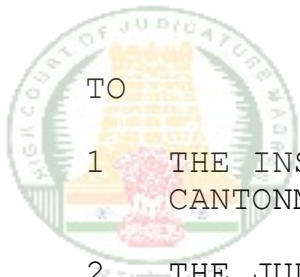
(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-

09/08/2016

/ TRUE COPY /



TO

1 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
CANTONMENT, TRICHY.

2 THE JUDICIAL MAGISTRATE NO.II, TRICHY

3 THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S P.GANAPATHI SUBRAMANIAN Advocate SR.No.43213

ORDER

IN

CRL OP(MD) No.14158 of 2016

Date :09/08/2016

SMN

SMA/ARK-PV/SAR-I/12/08/2016 :3P/6C