



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

Thursday, the Eighteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.15097 of 2016

1 DURAIRAJ
2 PREMA
3 SASIREKHA

... PETITIONERS/ACCUSED 2,3&4

Vs

STATE THRO' THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SAMAYANALLUR, MADURAI DT.
CR.NO.43 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S N.ANANTHAPADMANABHAN Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

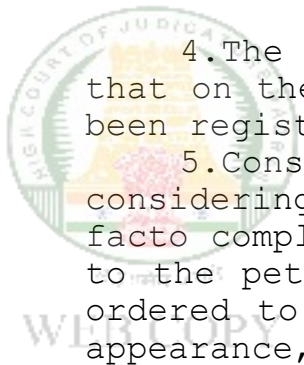
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.2,3 and 4 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 506(i) IPC and Section 4 of TNPHW Act, in Crime No.43 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 12.02.2012. At the time of marriage, the parents of the de facto complainant gave 50 sovereigns of gold jewels, silver articles, sridhana articles and also a sum of Rs.1,00,000/- as dowry. After the marriage, the accused persons harassed the de facto complainant demanding more dowry and they tried to solemnize second marriage for A.1. On 03.10.2014, when the brother of the de facto complainant, came to her house, all the accused persons have abused them in filthy language and attacked them and also thrown out her from the matrimonial home. A.2 also sexually tortured the de facto complainant. 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. A.1 filed a petition for divorce before the Family Court, Madurai in H.M.O.P.No.218 of 2016. As a counter-blast for the said proceeding, she has given a false complaint. The petitioners 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 are 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.IV, Madurai, 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 daily at 10.00 a.m. until further orders.

(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/-

18/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SAMAYANALLUR, MADURAI DT.

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

+1. CC to M/S N.ANANTHAPADMANABHAN Advocate SR.No.45468
JA-SK-SKN-SAR.3/22.08.2016/2P:6C

ORDER IN

CRL OP(MD) No.15097 of 2016

Date :18/08/2016