



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

Wednesday, the Twenty Fourth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15253 of 2016

1 GOPALAKANNAN
2 KALAISELVI
3 VANAMALAR
4 NATESAN
5 SORNAM
6 RAJAGOPAL
7 RENUGA

... PETITIONERS/ACCUSED NO.1 TO 7

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO. 2/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.PALANI VELAYUTHAM Advocate

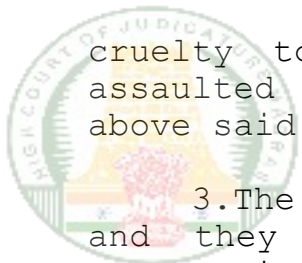
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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 7, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b) IPC and Section 4 of Dowry Prohibition Act, in Crime No.2 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 11.10.2009. At the time of marriage, the parents of the de facto complainant gave 25 sovereigns of gold jewels, household articles worth Rs.1,00,000/- and cash of Rs.1,00,000/- as dowry . After the marriage, the accused persons harassed the de facto complainant demanding more dowry and also abused her in filthy language. The de facto complainant also gave a sum of Rs.1,50,000/- to the accused. On 16.11.2015, A.1 set fire on the dress materials of the de facto complainant and threw her daughter in fire and therefore the child sustained injury on her left leg. The accused made torture and



cruelty to the de facto complainant and they also physically assaulted her. 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 first petitioner is the husband of the de facto complainant, second petitioner is the mother-in-law, third petitioner is the sister-in-law, fourth petitioner is the father-in-law of the de facto complainant, fifth petitioner is the grandmother of the first petitioner, who is aged about 80 years and the petitioners 6 and 7 are the second petitioner's sister's children. The sixth petitioner is aged about 50 years and he has nothing to do with the alleged occurrence.

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. The petitioners physically assaulted the de facto complainant and demanded dowry and also tried to kill her by pouring kerosene.

5.Considering the facts and circumstances of the case and also considering the serious nature of allegations made against the petitioners 1 to 5 and 7, this Court is not inclined to grant anticipatory bail to them and accordingly this petition is dismissed as far as the petitioners 1 to 5 and 7 are concerned. Considering the nature of allegation against the sixth petitioner and his age and the relationship between the sixth petitioner and the first petitioner, the sixth petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District on condition that the sixth petitioner 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 sixth petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the sixth petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the sixth petitioner 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 sixth petitioner in accordance with law as if the conditions have been imposed and the sixth petitioner 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 sixth petitioner is complying with the conditions or not.

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sd/-
24/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL, KANYAKUMARI DISTRICT.

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.S.PALANI VELAYUTHAM Advocate SR.No.46968
SMN
CSL/SK-SKN/SAR-I/30.08.2016: 3P/6C

ORDER
IN
CRL OP(MD) No.15253 of 2016
Date :24/08/2016