



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.15570 of 2016

1 SETHUPANDIYARAJA
2 THAYAMMAL
3 PANDIYAN
4 RAJESWARI
5 ELANCHEZHIAN
6 PASUMPON VASANTHARANI
7 GAYATHRI SUBHASINI
8 VANI MAKESHWARI

... PETITIONERS/ACCUSED No.1 to 8

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI,
MADURAI DISTRICT.
(CRIME NO. 37/2016)

... RESPONDENT/COMPLAINANT

FOR PETITIONERS : M/S.S.RAMASAMY, ADVOCATE
FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT 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 8, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b) and 506(i) IPC r/w Section 4 of Dowry Prohibition Act, in Crime No.37 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 first petitioner and the defacto complainant was solemnized on 20.10.2010. Out of the wedlock, a female child was born. After the marriage, the accused persons harassed the defacto complainant demanding more dowry. On complaint 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 and due to some misunderstanding, the petitioner has



filed H.M.O.P.No.439 of 2016 on the file of Family Court, Madurai, for divorce. After receiving notice in the divorce proceedings, the defacto complainant has lodged a false complaint against the petitioners.

4.The learned Government Advocate (Criminal side) submitted that the investigation is pending.

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5.Considering the facts and circumstances of the case and also considering the nature of allegation levelled against the petitioners, 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.I, Usilampatti, 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 to 8 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/-
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.1, USILAMPATTI.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI, MADURAI DISTRICT.

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

+1. CC to M/S.S.RAMASAMY Advocate SR.No. 47192

ORDER

IN

CRL OP (MD) No.15570 of 2016

Date :24/08/2016

PS

TE/CK/SAR-I : 31/08/2016 : 3P/6C