



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

Tuesday, the Thirtieth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15609 of 2016

1 D. KUMAR

2 P. LATHA

... PETITIONERS / ACCUSED 1 & 2

Vs

STATE, REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION - SOUTH,

MADURAI CITY.

(CR.NO. 11/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. M.MUTHU Advocate

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

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

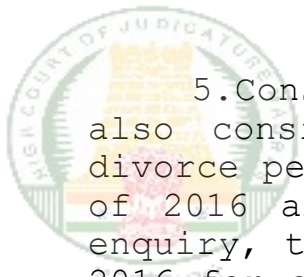
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498-A and 406 IPC, in Crime No.11 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 26.06.2015. After the marriage, the accused persons harassed the de facto complainant demanding more dowry. 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 filed a divorce petition before the Sub Court, Thiruppathur in HMOP No.52 of 2016 and the same is pending. Further, at the stage of petition enquiry, the petitioners have already filed Crl.O.P(MD)No.8354 of 2016 for anticipatory bail before this Court and this Court vide order dated 25.05.2016, granted anticipatory bail to them.

4.The learned Government Advocate (Criminal side) submitted that on the basis of the complaint given by the de facto complainant, a case has been registered and investigation is pending.



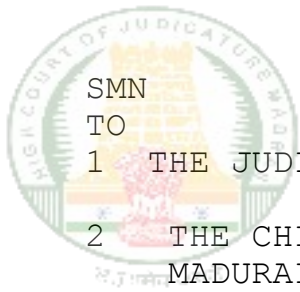
5.Considering the facts and circumstances of the case and also considering the fact that the first petitioner filed a divorce petition before the Sub Court, Thiruppathur in HMOP No.52 of 2016 and the same is pending and at the stage of petition enquiry, the petitioners have already filed CrI.O.P(MD)No.8354 of 2016 for anticipatory bail before this Court and this Court vide order dated 25.05.2016, granted anticipatory bail to them, 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, 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 first petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders and the second petitioner 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/-
30/08/2016

/ TRUE COPY /



SMN

TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION - SOUTH,
MADURAI CITY.

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

+1. CC to M/S. M.MUTHU Advocate SR.No.48355

GJM/SS2/SAR-III-2.9.16-3P-6C

ORDER

IN

CRL OP(MD) No.15609 of 2016

Date :30/08/2016