



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

Wednesday, the Thirty First day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15859 TO 15861 of 2016

MRS.A.MEENAKSHI,

... PETITIONER / ACCUSED-2
IN CRL OP(MD)NO.15859/2016

MR.A.GANESAN

... PETITIONER / ACCUSED-1
IN CRL OP(MD)NO.15860/2016

MR.C.ANNAMALAI,

... PETITIONER / ACCUSED-3
IN CRL OP(MD)NO.15861/2016

Vs

THE STATE, REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, DEVAKOTTAI,
SIVAGANGAI DISTRICT.
CR.NO.20/15.

... RESPONDENT / COMPLAINANT
IN ALL THE PETITIONSA

For Petitioner : M/S.P.SRINIVASAN Advocate IN ALL THE PETITIONS

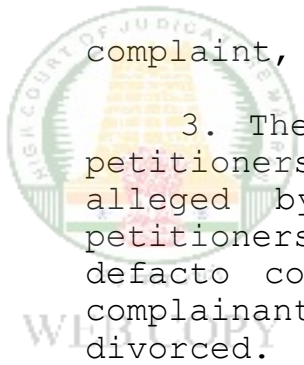
For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)
IN ALL THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 498(A), 406 of IPC r/w. Section 4 of TNPWH Act in Crime No.20 of 2015, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant got married to A1 on 31.08.2014. The petitioners are in laws and husband of the defacto complainant. Except the the mother in law of the defacto complainant all other accused persons are Malaysian citizens. After marriage of the defacto complainant with A1, all the accused persons were harassing and torturing her by demanding more dowry. Within one week of marriage, except A3 all the accused persons are went to Malaysia and subsequently, A3 and defacto complainant went to Malaysia. The defacto complainant came to know that A1 is already married with one Yogeswari and the defacto complainant was mentally tortured by the accused persons. The defacto complainant came to India and gave a compliant and on



complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have not demanded any dowry and they did not torture the defacto complainant. The petitioners came to know that defacto complainant was already married with one Vinaitheerthan and divorced. Suppressing the said fact she got married to A1 and when the same was questioned by the petitioners family she came to India and gave a false complaint on 12.09.2015 and the said complaint was enquired by the respondent Police on 14.09.2015 and the same was closed. Subsequently, suppressing the earlier complaint the defacto complainant has given the present complaint with false allegations. She has also filed HMOP.No.81 of 2016 for restitution of conjugal rights and M.C.No. 19 of 2016 for claiming maintenance, on the file on the file of the learned Judicial Magistrate No.I, Devakottai. He further submitted that the sister of A1 viz., Alamelu Ramasamy is in the family way and the delivery date is in the month of October 2016 and hence, A2 and A3 have to look after their daughter and prayed for anticipatory bail in faovur of the petitioners.

4. The learned Government Advocate (Crl. Side) submitted that the investigation of the case is pending.

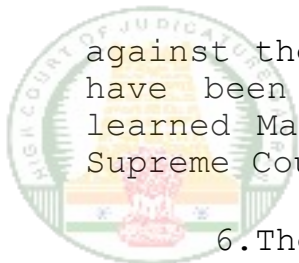
5. Considering the fact that the earlier complaint given by the defacto complaint was enquiry conducted and closed and that the defacto complainant has filed the present complaint suppressing the earlier complaint, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 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, Devakottai, Sivagangai District and 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner / A1 in Crl.O.P(MD).No.15860 of 2016 shall report before the respondent police daily at 10.00 am until further orders and the petitioner in Crl.O.P(MD).No.15859 and 15861 of 2016 shall appear before the respondent Police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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 condition or not.

sd/-
31/08/2016

/ TRUE COPY /

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

TRP
TO

1 THE JUDICIAL MAGISTRATE NO.I, DEVAKOTTAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT. CR.NO.20/15.

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

+1. CC to M/S.P.SRINIVASAN Advocate SR.No.48794

GJM/SS2/SAR-I-6.9.16-3P-6C

ORDER
IN
CRL OP(MD) No.15859 TO
15861 of 2016
Date :31/08/2016