



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.16145 of 2016

WEB COPY

1 M.S.SHARMILI

2 M.B.SENTHIL KUMAR

... PETITIONERS/ACCUSED Nos.3 & 5

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,
MADURAI TOWN.

IN CRIME NO. 20/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.CHANDRASEKARAN 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. 3 and 5 apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 498(A) and 406 of IPC r/w. Section 4 of Dowry Prohibition Act in Crime No.20 of 2015, seek anticipatory bail.

2. The case of the prosecution is that A1 married the defacto complainant on 29.11.2009 and thereafter, they went to United States of America and lived there for some days. But, subsequently, on account of matrimonial dispute, they got separated during 2012 and HMOP.No.123 of 2014 and 743 of 2015 are pending, on the file of Family Court, Madurai.

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 and their names have been falsely implicated in this case. Both the petitioners are living in United States of America for the past three years and they have no nexus with the defacto complainant. He further submitted that co-accused have already granted anticipatory bail by this Court in Crl.O.P(MD). No.1455 of 2016, dated 11.02.2016 and prays for granting anticipatory bail in favour of the petitioners.

4. The learned Government Advocate (Crl. Side) submitted that the investigation is completed and the charge sheet is filed in C.C.No.276 of 2016 before the Mahila Court, Madurai.

5. Considering the facts and circumstances of the case and also considering the fact the co-accused have already granted



anticipatory bail by this Court in Crl.O.P(MD).No.1455 of 2016, dated 11.02.2016 and the charge sheet has been filed, 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 / Additional Mahila Court, Madurai 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 petitioners shall appear before the concerned Court regularly on all future hearing dates without fail.

[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].

sd/-

31/08/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE/ADDITIONAL MAHILA COURT,MADURAI.
- 2 DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,ALL WOMEN POLICE STATION,MADURAI TOWN.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to M/S.S.CHANDRASEKARAN Advocate SR.No.48631

ORDER

IN

CRL OP(MD) No.16145 of 2016

Date :31/08/2016

PA/SK-SKN/SAR I/02.09.2016/2P/6C