



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

Wednesday, the Twenty Third day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22192 of 2016

1 THANGADURAI

2 SRI RENGANAYAKI ALIAS SRI RENGAMMAL, ..PETITIONERS/ACCUSED 2 & 3

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

AWPS, VALLIYOOR,

TIRUNELVELI DISTRICT.

CR NO. 13 OF 2016.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.SUSIKUMAR Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

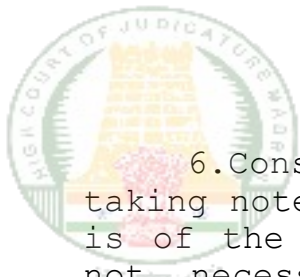
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498-A and 406 IPC and Section 4 of TNPWH Act in Crime No.13 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3.The first accused is the husband of the defacto complainant and the petitioners are her in-laws. The case of the prosecution is that at the time of marriage, 100 sovereigns of gold jewels and a sum of Rs.5,00,000/- were given as dowry and the petitioners are alleged to have harassed the defacto complainant by demanding additional dowry and driven her out from her matrimonial home.

4.It is the case of the petitioner that they are innocent and they have been falsely implicated in this case and already a petition in H.M.O.P.No.137 of 2016 is pending between the first accused and the defacto complainant in Principal Sub Court, Nagercoil.

5.Learned Government Advocate (Crl. Side) submitted that the investigation is in progress and it is a family dispute.



6. Considering the facts and circumstances of the case and also taking note of the fact that it is a matrimonial dispute, this Court is of the view that custodial interrogation of the petitioners is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Valliyoor, subject to the following conditions:

(i) each of the 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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) the petitioners shall report before the respondent police as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial.

[v] on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions has been imposed and the petitioner s released on bail by the 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/-

23/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

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

4 THE INSPECTOR OF POLICE, AWPS, VALLIYOOR, TIRUNELVELI DISTRICT.

+1. CC to M/S.C.SUSIKUMAR Advocate SR.No.72224

ORDER IN

CRL OP(MD) No.22192 of 2016

Date :23/11/2016