



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

Wednesday, the Twenty Second day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.3690 of 2016

1 ANANDA PANDIAN
2 JEYANTHI
3 SARADHA DEVI
4 ARUNA DEVI

... PETITIONERS/ACCUSED NO.1 TO 4

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SIVAKASI,VIRUDHUNAGAR DISTRICT,
CR NO.6 OF 2016.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.M.ANANTHA MURUGAN Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

For Intervener : M/s.R.PRABHU RAJADURAI

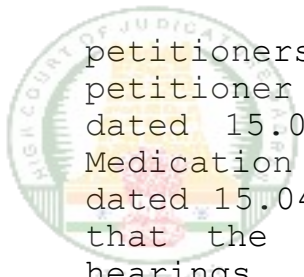
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The first petitioner, who is arrayed as Accused No.1 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 498(A) IPC and Section 4 of Dowry Prohibition Act, in Crime No.6 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the de facto complainant and A.1 was solemnized on 16.09.2013 After the marriage, the accused persons harassed the de facto complainant demanding more dowry. On complaint case has been registered for the above said offences.

3.The case of the first petitioner is that he is an innocent person and he has not committed any offence as alleged by the prosecution. Due misunderstanding arose between them, the first petitioner/A.1 and de facto complainant got separated. Earlier, the de facto complainant gave a complaint to the respondent and the same was enquired into and thereafter closed. The de facto complainant filed D.V.No.2 of 2016 before the learned Judicial Magistrate, Sivakasi and also M.C.No.38 of 2015 before the same Court claiming maintenance. The first petitioner has also filed H.M.O.P.No.73 of 2016 on the file of Sub Court, Sivakasi for restitution of conjugal rights. Earlier, this Court granted anticipatory bail to the



petitioners 2 to 4 and interim anticipatory bail to the first petitioner for a period of four weeks, in this petition, vide order dated 15.03.2016 and thereafter the matter was referred to the Medication and Conciliation Centre attached to this Bench vide order dated 15.04.2016, but mediation could not succeed due to the reason that the de facto complainant was continuously absent for two hearings.

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

5.The learned counsel for the intervenor submitted that the first petitioner harassed the de facto complainant demanding more dowry.

6.Considering the facts and circumstances of the case and also considering the fact that the first petitioner/A.1 has filed H.M.O.P.No.73 of 2016 on the file of Sub Court, Sivakasi for restitution of conjugal rights and the de facto complainant filed D.V.No.2 of 2016 before the learned Judicial Magistrate, Sivakasi and also M.C.No.38 of 2015 before the same Court claiming maintenance, this Court is inclined to grant anticipatory bail to the first petitioner/A.1 with certain conditions. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivakasi, Virudhunagar District, on condition that 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

22/06/2016

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



TO

- 1 THE JUDICIAL MAGISTRATE, SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTUR.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.M.ANANTHA MURUGAN Advocate SR.No.32470
smn
JA-ARK-PV-SAR.I/24.6.2016/3P-6C

ORDER

IN

CRL OP(MD) No.3690 of 2016

Date :22/06/2016