



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

Tuesday, the Twenty First day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.4156 of 2016

1 J.B. AMAL HERALD
2 REMI
3 J.B. HELASTON

... PETITIONER/ ACCUSED NO.1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THOOTHUKUDI,THOOTHUKUDI DISTRICT,
CR NO.4 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.THIRUVADIKUMAR Advocate

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

For Intervenor : Mr.R.Anand

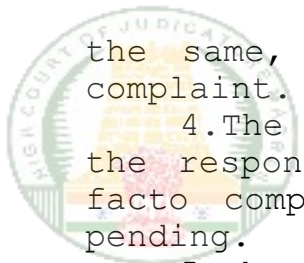
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498-A of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.4 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 24.08.2011. At the time of marriage 120 sovereigns of gold jewels and a car worth of Rs.5,00,000/- were given as dowry. After the marriage, the petitioners demanded additional dowry and tortured the de facto complainant. On 22.02.2016, the petitioners assaulted the de facto complainant and due to that she was admitted in a hospital. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The first petitioner is working in a ship company and he used to go on voyage 8 months in a year and lives 4 months with the de facto complainant. At that time, he used to send all his salaries to his account and subsequently the de facto complainant has transferred all the moneys to her personal account. Subsequently, he came to know that the de facto complainant is having illicit intimacy with one Vicky. When he questioned about



the same, a dispute arose and therefore she has given a false complaint.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that on receiving complaint from the de facto complainant case has been registered and investigation is pending.

5.The learned counsel appearing for the intervenor submitted that the first petitioner suspecting the character of the de facto complainant assaulted and tortured her and demanded more dowry. On complaint, case has been registered. While enquiry was pending, the first petitioner came to the house of the de facto complainant and beat her and due to that her father has given a complaint and on the submission made by the first petitioner that he is ready to live with the de facto complainant, this Court referred the matter to the Mediation and Conciliation Centre attached to this Court and subsequently he refused to live with her. If the first petitioner is released on anticipatory bail he will abscond and he will not co-operate for the investigation and prayed for dismissal of the petition.

6.Considering the facts and circumstances of the case and also considering the fact that the first petitioner is the husband of the de facto complainant and the petitioners 2 and 3 are the in-law of the de facto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Thoothukudi, and on each of them executing 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 learned Magistrate concerned and on further condition that the first petitioner shall surrender his passport before the learned Judicial Magistrate No.I, Thoothukudi and he shall report before the respondent police daily at 10.00 a.m. until further orders and the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which the petition for anticipatory bail stands dismissed.

sd/-
21/06/2016

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



TO

- 1 THE JUDICIAL MAGISTRATE NO.1, THOOTHUKUDI
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
- 4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

SMN

JA-PEK-SAR.I/24.6.2016/3P-5C

ORDER

IN

CRL OP (MD) No.4156 of 2016

Date :21/06/2016