



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

Friday, the Fifth day of August Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.5008 of 2016

1 BALAJI
2 V.S.SHANMUGAVADIVEL
3 S.PARVATHAM
4 VIJAYABHARATHI
5 SARAVANA SUNDARI
6 K.RENGASAMY
7 KASTHURI
8 MARICHAMY

... PETITIONERS / ACCUSED 1 TO 8

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI SOUTH, MADURAI DISTRICT,
CR NO. 3 OF 2016.

... RESPONDENT / COMPLAINANT

B.VIGNESWARI

... INTERVERNER/DEFACTO COMPLAINANT

For Petitioner : M/S J.JEYAKUMARAN Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

For Intervener : Mr.R.SHANKAR GANESH, Advocate

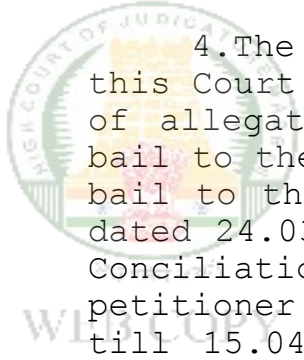
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 498(A), 406 and 506(i) IPC, in Crime No.3 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 05.09.2005 and they have been blessed with a female child on 15.11.2006. After the marriage, the accused persons harassed the de facto complainant demanding more dowry for doing business. On complaint, a case has been registered for the above said offences.

3.The case of the first petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution.



4.The learned counsel for the first petitioner submitted that this Court vide order dated 24.03.2016, after considering the nature of allegations made against the petitioners, granted anticipatory bail to the petitioners 2 to 8 and also granted interim anticipatory bail to the first petitioner for a period of two weeks, vide order dated 24.03.2016 and also referred the matter to the Medication and Conciliation Centre attached to this Bench, in respect of the first petitioner alone. The said interim anticipatory bail was extended till 15.04.2016 only and thereafter it was not extended by this Court. He further submitted that the mediation could not succeed and the matter was referred back to this Court. The first petitioner and de facto complainant were appeared before this Court on several hearings and the first petitioner undertook to hand over the two wheeler to the de facto complainant and accordingly he handed over the two wheeler and R.C. Book to the de facto complainant.

5.The learned counsel for the intervenor submitted that the jewels given at the time of marriage are with the first petitioner.

6.Heard the learned Government Advocate (Criminal side).

7.Considering the facts and circumstances of the case and also considering the fact that the petitioners 2 to 8 were already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions. Accordingly, the first petitioner 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 Additional Mahila Court (J.M. Level), Madurai, 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 first petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the first petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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].



8. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the first petitioner is complying with the conditions or not.

sd/-
05/08/2016

WEB COPY

/ TRUE COPY /

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

SMN

TO

- 1 THE ADDITIONAL MAHILA COURT
JUDICIAL MAGISTRATE LEVEL, MADURAI
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI SOUTH, MADURAI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO : THE CO-ORDINATOR
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S J.JEYAKUMARAN Advocate SR.No.42268

GJM/ARK/PV/SAR-I-11.8.16-3P-7C

ORDER
IN
CRL OP(MD) No.5008 of 2016
Date :05/08/2016