



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

Thursday, the Eighteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.9371 of 2016

1 RAJAMANICKAM
2 RAMAN
3 RANI

... PETITIONER/ACCUSED NO.1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
USILAMPATTI,
MADURAI DISTRICT.
CRIME NO. 22 OF 2016

... RESPONDENT/COMPLAINANT

DHANALAKSHM

... PETITIONER/INTERVENOR

For Petitioner : M/S M.SOLAISAMY Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

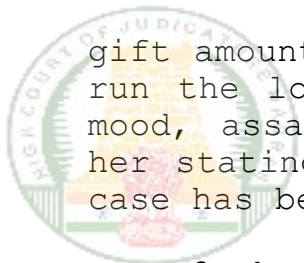
For Intervenor : M/S.K.R.LAXMAN, Advocate

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 498(A), 294(b) and 506(i) IPC read with Section 4 of TNPWH Act and Section 4 of Dowry Prohibition Act, in Crime No.22 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the the marriage between the de facto complainant and the first petitioner was solemnized on 04.04.2003. At the time of marriage, 40 sovereigns of gold jewels were given as dowry. Two male children were born in the wedlock. The petitioners pledged the jewels given to the defacto complainant and paid money for getting job to the first petitioner in the Tamil Nadu Transport Corporation as a driver and now, he is not doing any work. The defacto complainant is only maintaining the family by doing coolie work. A function was held and the petitioners collected the



gift amount and the first petitioner purchased lorry and he did not run the lorry. On 09.06.2016, the first petitioner with a drunken mood, assaulted the defacto complainant and abused and threatened her stating that he will pour kerosene and kill her. 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.

4.The learned counsel for the Intervenor reiterated the averments made in the complaint and submitted that the first petitioner is an alcoholic addict and he is not maintaining the family and attacked the defacto complainant and all the jewels given at the time of marriage were pledged and he spent all the money. Now, with great difficulty, the defacto complainant is maintaining her two children.

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

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners 2 and 3 are the in-laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions. Accordingly, the petitioners 2 and 3 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 No.I, Usilampatti, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners 2 and 3 shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 2 and 3 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 petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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]**.

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate,



as to whether the petitioners 2 and 3 are complying with the conditions or not.

8.As far as the first petitioner is concerned, this petition is dismissed.

sd/-

18/08/2016

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/ TRUE COPY /

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

TO

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

PS

CSL/SS-2/SAR-I/23.08.2016: 2P/5C

ORDER

IN

CRL OP(MD) No.9371 of 2016

Date :18/08/2016