



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13649 of 2016

1 SURESH
2 SEETHALAKSHMI
3 P.KARTHICK

... PETITIONERS/ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT
CRIME NO.18 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.VENKATESAN Advocate

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

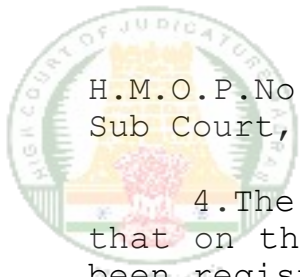
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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), 406, 506(ii) IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.18 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 11.09.2013. At the time of marriage, the parents of the de facto complainant gave 5½ sovereigns of gold jewels and household articles worth Rs.10,000/-. After the marriage, at the instigation of A.2 and A.3, A.1 harassed the de facto complainant demanding more dowry and all the accused persons demanded her to sign in a blank stamp paper and threatened her that they will pour kerosene and set fire, if she failed to sign in the blank stamp paper. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. After the marriage the de facto complainant used to quarrel with the petitioners even for small matters and she voluntarily left the matrimonial home. The first petitioner filed H.M.C.P.No.136 of 2016 for divorce before the Family Court, Vellore and after receiving notice, the de facto complainant has filed



H.M.O.P.No.69 of 2016 for restitution of conjugal rights before the Sub Court, Virudhunagar and also given a false complaint.

4.The learned Government Advocate (Criminal side) submitted that on the complaint given by the de facto complainant, a case has been registered and investigation is pending.

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5.Considering the facts and circumstances of the case and also considering the fact that the first petitioner filed H.M.O.P.No.156 of 2016 for divorce and the de facto complainant filed H.M.O.P.No.69 of 2016 for restitution of conjugal rights, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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.II, Virudhunagar, 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 shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 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 in accordance with law as if the conditions have been imposed and the petitioners 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]**.

6.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 are complying with the conditions or not.

sd/-
03/08/2016

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



TO

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

+1. CC to M/S S.RAMASAMY Advocate SR.No.41642

ORDER

IN

CRL OP(MD) No.13649 of 2016

Date :03/08/2016

AA/ARK-PV/SAR-III/05.08.2016/3p-6c