



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

Thursday, the Twenty Third day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9465 of 2016

1 CHELLAPANDI
2 KASIRAJAN,
3 LAKSHMI
4 NALLAMMAL
5 PANDIAMMAL
6 KARUTHAPANDI,
7 KACHAMMAL,
8 PERIYAPANDI,

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, USILAMPATTI,
MADURAI DISTRICT
CRIME NO. 73 OF 2015

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.M.PANDIARAJ, Advocate for
M/S S.BASKAR MATHURAM Advocate

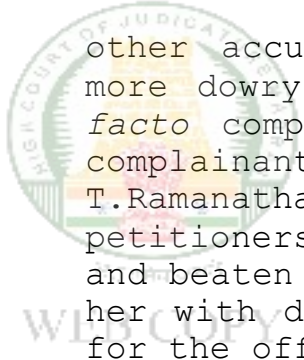
For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 498(A) and 294(b) I.P.C., and Section 4 of Dowry Prohibition Act, in Crime No.73 of 2015, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the *de-facto* complainant are husband and wife. At the time of marriage, 8 sovereigns of gold jewels to the *de-facto* complainant, 1 ½ sovereigns of gold jewels to the first petitioner and household articles worth about Rs.1,00,000/- were given by the parents of the *de-facto* complainant. After marriage, all were living together in a joint family. Two male children were born in the wedlock, in which, the second male child died within one year. After the marriage, the first petitioner left the *de-facto* complainant with his parents and went to Kerala, for Mason work. The first petitioner along with



other accused persons tortured the *de-facto* complainant to bring more dowry from her parents. The petitioners thrown out the *de-facto* complainant from the matrimonial home. Hence, the *de-facto* complainant has given a complaint to the Inspector of Police, T.Ramanathapuram Police Station. Subsequent to the complaint, the petitioners came to the parents of the *de-facto* complainant's house and beaten her and abused her in filthy language and also threatened her with dire consequences. On complaint, case has been registered for the offences stated above.

3. The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution and they never demanded any dowry from the *de-facto* complainant.

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

5. Today, when the matter is taken up for hearing, the first petitioner and the *de-facto* complainant are present before this Court. The *de-facto* complainant submitted that the first petitioner is living with another lady in Kerala and refused to live with the *de-facto* complainant and tortured her to bring additional dowry and refused to give her household articles. She has filed a petition for maintenance. The first petitioner expressed his unwillingness to join with the *de-facto* complainant.

6. Considering the nature of serious allegations levelled against the first petitioner, this Court is not inclined to grant anticipatory bail to him. Hence, **this petition is dismissed as against the first petitioner.** Insofar the petitioners 2 to 8 are concerned, this Court is inclined to grant anticipatory bail to them. Accordingly, the petitioners 2 to 8 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, Usilampatti, Madurai, on condition that each of them 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 to 8 shall report before the respondent Police daily at 10.00 a.m., until further orders .

(ii) the petitioners 2 to 8 shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners 2 to 8 shall not abscond either during investigation or trial.



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(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 to 8 in accordance with law as if the conditions have been imposed and the petitioners 2 to 8 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 to 8 are complying with the conditions or not.

sd/-
23/06/2016

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

SMN2
TO

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

+1. CC to M/S S.BASKAR MATHURAM Advocate SR.No.33247

GJM/NGM/MP/SAR-II-28.6.16-2P-6C

ORDER
IN
CRL OP(MD) No.9465 of 2016
Date :23/06/2016