



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

Thursday, the Third day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

WEB COPY

CRL OP(MD) No.9706 of 2017

1 RETINAMANI
2 RAJAKUMARI
3 REENA
4 VIJAYAKUMARI
AKILA KUMARI

... PETITIONERS / ACCUSED NO.2 to 5
... PETITIONER / DEFACTO COMPLAINANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT,
CR NO. 8/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.D.CHRISTENSON JUGUNU Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

For Intervenor : M/S.A.THIRUVADIKUMAR Advocate

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

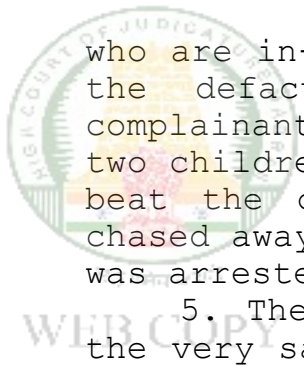
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498-A, 406 and 420 of IPC., and Sections 3, 4 and 6 of Dowry Prohibition Act, in Crime No.8 of 2017, seek anticipatory bail.

2. The case of the prosecution is that A1 is a drunkard and used to beat the defacto complainant during night hours and he along with the other accused chased away the defacto complainant from the matrimonial home.

3. The learned counsel appearing for the petitioners states that on 20.07.2017, the defacto complainant quarrelled with the petitioners without any reason and also returned to the matrimonial home and thereafter, the first petitioner called the defacto complainant for reunion, she refused, then husband / A1 has filed HMOP.No.30 of 2017, for restitution of conjugal rights against the defacto complainant, before the Subordinate Court, Kuzhithurai and the same is pending and the petitioners are innocent and they have not committed any offences, as alleged by the prosecution.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally five accused in this case and the petitioners herein are A2 to A4,



who are in-laws of the defacto complainant and A1 is the husband of the defacto complainant. The marriage between the defacto complainant and A1 took place in the year 2013 and they are having two children. He also submitted that A1 is the drunkard and used to beat the defacto complainant during night hours and the accused chased away the defacto complainant from the matrimonial home and A1 was arrested on 22.07.2017 and the investigation is pending.

5. The learned counsel appearing for the intervener reiterates the very same arguments of the learned Additional Public Prosecutor appearing for the State. Apart from that, he would submit that the case was registered, as per the order of the Court. The defacto complainant has given 20 sovereigns of gold jewels to the first accused in this case, who pledged the jewels in the Bank, but not returned to the defacto complainant.

6. 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.II, Kuzhithurai, Kanyakumari District, on condition that each 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 the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners 1 and 2 shall report before respondent Police, as and when required and the petitioners 3 and 4 shall report before the respondent Police daily at 10.30 a.m., until further orders, 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 is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
03/08/2017

/ TRUE COPY /

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

TO

- 1 THE SUBORDINATE JUDGE, KUZHITHURAI.
- 2 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
- 3 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.CHRISTENSON JUGUNU Advocate SR.No.28100

ORDER IN
CRL OP(MD) No.9706 of 2017
Date :03/08/2017