



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

Friday, the Fourth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10193 of 2017

1 SURESH
2 SHANMUGAIYA
3 PONMATHI

... PETITIONER / ACCUSED 1 to 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMENS POLICE STATION,
SATTUR, VIRUDHUNAGAR DISTRICT .
CRIME NO. 6 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.SHANMUGA SELVAM Advocate

For Respondent : Mr.A.RAMAR, Additional Public Prosecutor

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

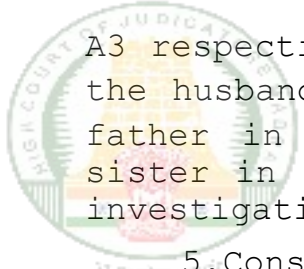
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 498(A) IPC and Section 4 of Dowry Prohibition Act in Crime No.6 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is said to have demanded 10 sovereigns of jewels and a sum of Rs.50,000/- as dowry, by way of harassing and torturing the defacto complainant. It is stated that the first petitioners said to have set fire on the hands of the de facto complainant and tortured her.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the de facto complainant want to live separately with the 1st petitioner but the same was refused by the 1st petitioner hence, the de facto complainant made a false complaint against the petitioner. He further submitted that the petitioners are no way connected with the offence, as alleged by the complaint and they are nothing to do with the alleged offence.

<https://hcservices.courts.gov.in/hcservices/>
1. The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that the totally there are 3 accused in this case and the petitioners are arrayed as A1 to



A3 respectively. He further submitted that the first petitioner is the husband of the de facto complainant and 2nd petitioner is the father in law of the de facto complainant and 3rd petitioner is sister in law of the de facto complainant. He also submitted that investigation is still pending.

5. Considering the facts and circumstances of the case and also taking note of the fact that the alleged overt act of the petitioners, putting fire on the hands of the de facto complainant and caused injuries as found in FIR, I am not inclined to grant anticipatory bail to the first petitioner.

6. This Court is inclined to grant anticipatory bail only to the second and third petitioners. 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Sattur, Virudunagar District on condition that 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the second petitioner shall report before the respondent Police as and when required. The third petitioner shall report before the respondent Police weekly once ie., on every Saturday at 10.30 a.m., until further orders, for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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)**.

This Criminal Original Petition in respect of the 1st petitioner stands dismissed.

sd/-
04/08/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
SATTUR, VIRUDHUNAGAR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
ALL WOMENS POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to Mr.N.SHANMUGA SELVAM Advocate SR.No.28296

JAM/10.08.17/RR-BS/SAR 4 /3p-6c

ORDER

IN

CRL OP(MD) No.10193 of 2017

Date :04/08/2017