



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

Tuesday, the Eighth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10350 of 2017

1 CHANDRASEKAR
2 CHELLADURAI
3 T.MAHADEVI
4 VENKATESH
5 SELVARAJ
6 SENTHIL

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THENI,
THENI DISTRICT
CRIME NO.15 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR Advocate

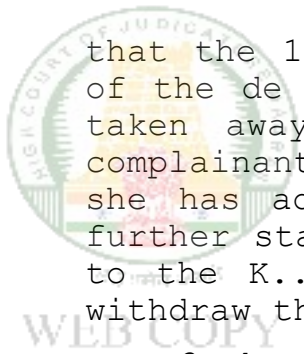
For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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 Sections 147, 406, 294(b), 506(i) of IPC and Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.15 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the de facto complainant and the 1st petitioner was solemnized on 06.07.2015 at Manaparai and the de facto complainant resided in a joint family, therefore she was abused and ill-treated by her in laws. It is further submitted that out of the wedlock, the couples were not blessed with a female child. The de facto complainant harassed by the petitioners herein and she was ultimately chased out of the matrimonial home. As per the FIR averments, it is stated



that the 1st and 3rd petitioner are said to have kicked the stomach of the de facto complainant and the 2nd petitioner is said to have taken away the 2 sovereigns of gold jewels from the de facto complainant and the above occurrence took place on 02.07.2017 and she has admitted in K.S.K hospital, Theni on 03.07.2017. It is further stated in the FIR, that A5, A6 and A4 are said to have come to the K..S.K. Hospital and insisted the de facto complainant to withdraw the complaint.

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 insisting the 1st petitioner to reside in her parental home at Aranmanaipudur, which was stoutly resisted by the 1st petitioner because he is employed in Bangalore and the de facto complainant was taken to Bangalore and the couples had let a nuclear family there.

4.The learned counsel for the petitioners further submitted that the de facto complainant openly expressed her dissatisfaction in marrying the 1st petitioner and showed hatred-ness towards him and had voluntarily left the matrimonial home. He further submitted that 5th and 6th petitioners were roped in as accused out of grudge and animosity. He further submitted that the 2nd petitioner lodged a complaint to the Manapaparai Police Station for the incident which took place on 02.07.2017, during which he was assaulted by the de facto complainant and her family members.

5.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 6 accused in this case and the petitioners are arrayed as A1 to A6 respectively. He further submitted that A1 is the husband of the de facto complainant and A2 is the father of the de facto complainant and A3 is the sister of the A1 and A4 is the brother of the A1 and A5 and A6 are the close relatives of A1 and the investigation is still pending.

6.Considering the facts and circumstances of the case and also taking note of the fact that the alleged overt act of A1 and A4 is kicked the stomach of the de facto complainant and the said occurrence took place on 02.07.2017 and she has admitted in K.S.K hospital, Theni on 03.07.2017 and the accused were insisted the de facto complainant to withdraw the complaint, **this Court is not inclined to grant anticipatory bail to A1 and A4.**

7.This Court is inclined to grant anticipatory bail only to A2, A3, A5 and A6. Accordingly, the petitioners 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, Theni 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:

<https://hcservices.ecourts.gov.in/hcservices/>

[a]the 2nd petitioner shall report before the respondent Police as and when required and the 3rd, 5th and 6th petitioners shall



report before the respondent Police daily at 10.30 a.m. until further orders.

[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)**.

8. Accordingly, this petition is dismissed in respect of A1 and A4.

sd/-
08/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THENI, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A. THIRUVADI KUMAR Advocate SR.No.28433

GNS
CSL/CM-MSA/SAR-I/11.08.2017 : 3P/6C

ORDER
IN
CRL OP(MD) No.10350 of 2017
Date : 08/08/2017