



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

Thursday, the Twelfth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.11882 and 11842 of 2017

DINESH

... PETITIONER / ACCUSED 1
IN CRL OP(MD)No.11882/17

1 MANGALRAJ

2 PERUMAL KANI

... PETITIONERS/ACCUSED 2,3
IN CRL OP(MD)No.11842/17

Vs

STATE REPRESENTED BY
SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VALLIYUR,
TIRUNELVELI DISTRICT.
(CRIME NO.07 OF 2017)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

CHITRA

... PETITIONER / DEFACTO COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners : M/S.D.DEEPAMATHI Advocate
IN BOTH THE PETITIONS

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

For Intervenor : Mr.A.SIVASUBRAMANIAN, Advocate
IN BOTH THE PETITIONS

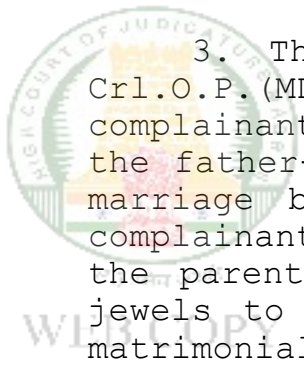
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

COMMON ORDER

Since the petitioners in these petitions are the accused persons in the same crime number, both petitions are taken up together and disposed of by way of common order.

2.The petitioners/accused Nos.1 to 3 in these petitions, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 and 506(i) of IPC, in Crime No.7 of 2017, on the file of the respondent police seek anticipatory bail.



3. The case of the prosecution is that the petitioner in Crl.O.P.(MD).No.11882 of 2017 is the husband of the defacto complainant and the petitioners in Crl.O.P.(MD).No.11842 of 2017 are the father-in-law and mother-in-law of the defacto complainant. The marriage between the petitioner, namely, Dinesh and the defacto complainant was solemnized on 10.07.2016. At the time of marriage, the parents of the defacto complainant gave 21 sovereign of gold jewels to her. Thereafter, the defacto complainant living in the matrimonial home and due to dowry harassment made by the husband and his family members, the defacto complainant gave a complaint to the law enforcing agency. Based on the complaint, case has been registered for the above said offences against the petitioners.

4.The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, they prayed for anticipatory bail.

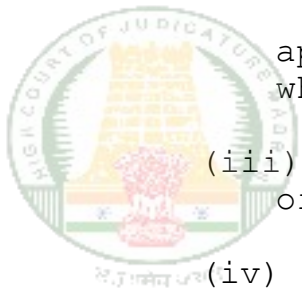
5. The learned counsel appearing for the intervenor would submit that it is suffice to direct the petitioners to return 21 sovereigns of gold jewels to the defacto complainant.

6. The learned Government Advocate (Criminal side) appearing for the respondent submitted that the investigation is still pending.

7. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side) appearing for the State and also considering the submission made by the learned counsel for the intervenor, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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 on which the order copy is made ready, before the learned Judicial Magistrate, Valliyoor, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 return 21 sovereigns of gold jewels to the defacto complainant without prejudice to their defence before the trial Court within a period of two weeks from the date of receipt of copy of this order. After such return, the trial Court shall accept the sureties to be furnished by the petitioners.

(ii) the petitioners/A1 and A2 shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks and the mother-in-law of the defacto complainant/A3 shall



appear before the investigation officer as and when required;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioners shall not commit any offence while on bail;

(vi) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
12/10/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VALLIYUR, TIRUNELVELI DISTRICT.

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

+1. CC to MR.R.VENKATESAN Advocate SR.No.32646

+1 cc TO Mr.A.SIVASUBRAMANIAN, Advocate, Sr.No.32670

JAM/24.10.17/RR-BS/SAR 1 / 3p-7c

ORDER
IN
CRL OP (MD) Nos.11882 and 11842 of 2017
Date :12/10/2017