



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

Tuesday, the Twenty Fourth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13269 of 2017

1 A.P.S.DAVID RAJA,
2 A.P.SELVADURAI,
3 A.VICTORIA RANI,
4 A.P.SILUVAI RAJA,
5 A.P.VICTOR THANGARAJA,

... PETITIONERS/ACCUSED Nos.1 to 5

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
(CRIME NO.14 OF 2017)

... RESPONDENT / COMPLAINANT

DIANA

...INTERVENING PETITIONER/
DEFACTO COMPLAINANT

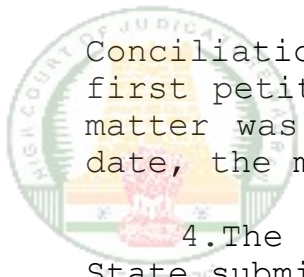
For Petitioners : M/S.J.ASHOK Advocate
For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)
For Intervenor : MR.S.R.ANABARSAU, Advocate

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

ORDER : The Court Made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294(b), 406, 506(ii) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.14 of 2017 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 is the husband of the de-facto complainant, A2 & A3 are the father-in-law and mother-in-law of the de-facto complainant and A4 & A5 are the brothers-in-law of the de-facto complainant. The marriage took place between the de-facto complainant and the 1st petitioner on 21.10.2010. They were living together happily at Chennai. In the year 2016, there is a dispute between the 1st petitioner and the de-facto complainant for demanding additional dowry. Accordingly, the law enforcing agency has registered a case against the 1st petitioner and the other in-laws.



Conciliation Centre. The mediation is still pending between the first petitioner's family and the de-facto complainant. Though the matter was referred to the Mediation and Conciliation Centre, till date, the mediation could not be succeed in between the parties.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that the investigation is still pending.

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5.Since considering the age of the petitioners / A2 & A3 and also the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners / A2 & A3, with certain conditions. Accordingly, the petitioners /A2 & A3 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.III, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 / A2 & A3 shall appear before the respondent police as and when required;

(ii) the petitioners/A2 and A3 shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners/A2 and A3 shall not commit any offence while on bail;

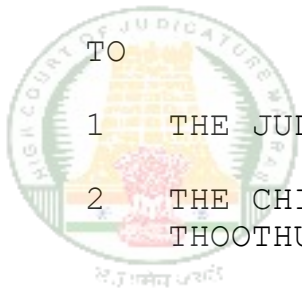
(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the bail granted stands cancelled automatically.

6.In respect of the petitioners /A1, A4 & A5, this Court is not inclined to grant anticipatory bail. Hence, this petition is dismissed in respect of the petitioners/A1, A4, A5. It is open to the petitioners/A1, A4 & A5 to compromise with the defacto complainant.

sd/-
24/10/2017

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



TO

1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.J.ASHOK Advocate SR.No.33094

+1 cc to MR.S.R.ANBARASU, Advocate SR.No.33207

ORDER

IN

CRL OP(MD) No.13269 of 2017

Date :24/10/2017

SMA/PM-PN/SAR-2/27.10.2017:3P/7C