



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

Monday, the Sixth day of November Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14082 of 2017

MANOJ KOIL JEBADURAI

...PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI, TIRUNELVELI CITY.
(CRIME NO.12 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.MOHIDEEN BASHA, Advocate
For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)
For Intervenor : M/S.A.THIRUVADI KUMAR, Advocate

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

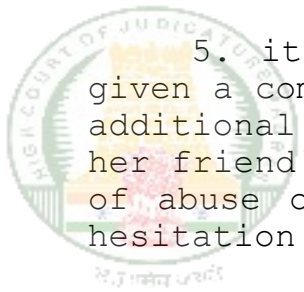
ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 506(ii) of I.P.C., and Section 4 of Dowry Prohibition Act in Crime No.12 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the defacto complainant and the first accused was solemnised on 23.02.2017 at CSI Church, Kulavanigarapuram as per Christian rights. After the marriage, there was a dispute between petitioner's family and defacto complainant's family regarding Sridhana properties and aggrieved by demanding of sridhana properties the defacto complainant lodged a complaint against the petitioner and his family members.

3. The learned counsel appearing for the petitioner would submit that the petitioner's husband after seeing the photo sent by one john through E-mail, who is standing along with his wife, immediately the same was questioned and worked the person, who sent the E-mail to the petitioner. Hence the petitioner did not commit any offence as alleged by the prosecution. This court specifically issued a direction to the respondent police to enquire with regard to the photograph send through email.

4.The learned Government Advocate (Crl.side) appearing for the State on instructions submitted before this Court that the defacto complainant herself sent a photo to the petitioner in her friends name. The statement was recorded by the respondent police and the respondent did not make allegations against the petitioner, regarding demand of additional dowry.



5. it is a most unfortunate one that the defacto complainant given a complaint before the respondent police for alleged demand of additional dowry and on the other hand, she sent photograph through her friend's E-mail, which was unacceptable one. It is a clear case of abuse of processes of law. In view of the above, I have no hesitation to grant anticipatory bail

6. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Tirunelveli, on condition that 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 petitioner shall report before the investigation officer, as and when required
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 petitioner in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
06/11/2017

/ TRUE COPY /

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

TO

- 1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
- 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, PALAYAMKOTTAI, TIRUNELVELI CITY.
- 4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.33923
- +1CC TO M/S. A.THIRUVADI KUMAR, ADVOCATE, SR NO.33886

ORDER IN
CRL OP(MD) No.14082 of 2017
Date :06/11/2017