



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

Wednesday, the Sixth day of December Two Thousand Seventeen

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PRESENT

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

CRL OP(MD) No.15150 of 2017

1 CHANDRASEKAR
2 VENKATESH

... PETITIONERS/ACCUSED No.1 & 4

Vs

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

... RESPONDENT/COMPLAINANT

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

For Respondent : MR.C.MAYIL VAHANA RAJENDRAN,
Additional Public Prosecutor

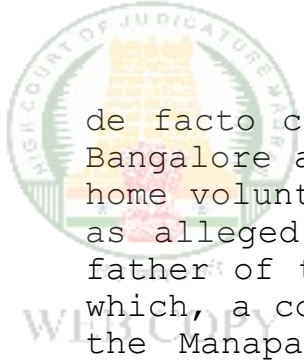
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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) 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 first petitioner and the de facto complainant are husband and wife and due to demand of additional dowry, the first petitioner along with other accused harassed the de facto complainant.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the first petitioner and the de facto complainant are husband and wife and the de facto complainant insisted the first petitioner for residing in her parental home, however, the same was denied by the first petitioner and the first petitioner is employed at Bangalore and the



de facto complainant was living along with the first petitioner at Bangalore and due to some dispute, she come out from the matrimonial home voluntarily. He also submitted that on the date of occurrence, as alleged in the FIR, the de facto complainant has assaulted the father of the first petitioner and he was admitted in hospital, for which, a complaint was given against the de facto complainant before the Manaparai Police Station, however, no action was taken. He further submitted that the petitioners have tried to settle the issue with the de facto complainant, however, she refused for the same. As the dispute between the parties is only matrimonial dispute, the same will be settled at any time and hence, the custodial interrogation of the petitioners is not required in this case. He further submitted that the first petitioner is working at Bangalore and if he is arrested, his employment will be affected.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction submitted that the petitioners are arrayed as A1 and A4 in this case and the earlier anticipatory bail petition in CrI.O.P.(MD)Nos.10350 of 2017 was dismissed by this Court on 08.08.2017 by considering the overt act attributed against the petitioners and the present anticipatory bail petition is filed for the second time. He also submitted that there is no change in circumstances after dismissal of the earlier anticipatory bail petition and investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that the dispute between the parties relates to matrimonial one, I am inclined to grant anticipatory bail to the petitioners. 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:

[a]the petitioners shall report before the respondent Police weekly once ie., on every Sundays 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)**.

sd/-
06/12/2017

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

TO

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

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.35706

ORDER
IN
CRL OP(MD) No.15150 of 2017
Date :06/12/2017

SMA/RR/SAR-3/12.12.2017:3P/7C