



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

Thursday, the Fourteenth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.16490 of 2017

1 S.VELKUMAR

2 SREE RENGANAYAGI

... PETITIONER/ACCUSED No.1 and 2

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.

CRIME NO.7 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.R.ANBARASU Advocate

For Respondent : Mr.M.MURUGAN, Government Advocate (Crl.side)
for Mr.K.ANBARASAN, Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498(A) and 506(ii) of I.P.C., and Sections 3(1), 4 of Dowry Prohibition Act, 1961, in Crime No.7 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the husband and the mother-in-law of the defacto complainant. The marriage between the first petitioner and the defacto complainant was solemnized in the year 2012 and they were blessed with a male child who was born in 'Chithrai Nachathiram'. As per the advice of the Astrology, any child was born on 'Chithrai Nachathiram' will affect the father's health, and thereby, the petitioners hated the male child. After the birth of the child, there was no cordial relationship between the first petitioner and the defacto complainant. Therefore, the defacto complainant filed a Matrimonial case before the learned Chief Judicial Magistrate, Nagercoil, Kaniyakumari District in M.C.No.39 of 2017 and also lodged a criminal complaint against the petitioners before the respondent police.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He would further submit that the petitioners are never hated the child and he is also ready to accept the male child and his wife. He further submitted that the first petitioner is ready to return 17 sovereigns of Gold Jewels to the defacto complainant and hence, the petitioners prayed for anticipatory bail.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that it is purely a family dispute between the petitioners and the defacto complainant.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side), 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District, 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 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 are directed to return 17 sovereign of gold jewels to the defacto complainant within a period of two weeks from the date of receipt of copy of this order. After returning the jewels, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners.

(ii) the petitioners shall report before the respondent police, daily at 10.30 p.m., until further orders;

(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 abscond either during investigation or trial;

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



(vii) 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/-
14/12/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO I
NAGERCOIL, KANYAKUMARI DISTRICT
 - 2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KANYAKUMARI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S.S.SURESHKUMAR, Advocate SR.No.36208

ORDER
IN
CRL OP(MD) No.16490 of 2017
Date :14/12/2017

Mrn
SH/RR/SAR-1:22.12.2017:2p/6c