



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

Tuesday, the Twelfth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17081 of 2017

1 PEER MOHAMMED

2 SYED ALI FATHIMA

3 PANDI MUTHU

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

KARAIKUDI,

SIVAGANGAI DISTRICT

CRIME NO NOT KNOWN OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.C.JEYAPRAKASH Advocate

For Respondent : MR.K.ANBARASAN, Govt. 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 No.2, 4 and 5, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498A, 406 and 506(i) of I.P.C., in Crime No.17 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the father of the second petitioner and the third petitioner is the neighbour of the first petitioner. Admittedly, the marriage between the son of the first petitioner/A1 and the defacto complainant was solemnized in the year 22.02.2015. At the time of marriage, A1 and other accused collected several articles and huge amount from the defacto complainant and thereafter, the first and second petitioners and other accused harassed the defacto complainant by demanding additional dowry and instigated the third petitioner to insult her as a physically challenged, thereby, the defacto complainant lodged a complaint against the petitioners.



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 in fact, A1 has already been issued a legal notice to the defacto complainant for claiming restitution of conjugal rights. Since the defacto complainant is not ready to live with A1, she filed a false complaint against her in-laws and A5.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that A1 is not interested to live with the defacto complainant, for the purpose of creating records, he issued a legal notice as if A1 is ready to live with the defacto complainant. He further submitted that this Court has already been granted anticipatory bail to A3.

5.The third petitioner is unknown to the defacto complainant's family, however, A1 instigated the third petitioner to insult the defacto complainant. Thereby, the third petitioner abused the defacto complainant in filthy language and hence, the defacto complainant implicated the third petitioner. Considering the facts and circumstances of the case and also considering the charges levelled against the third petitioner. I am not inclined to grant anticipatory bail to the third petitioner. Hence, this petition is dismissed as against the third petitioner.

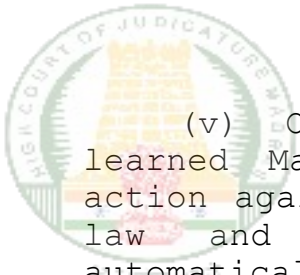
6.Considering the facts and circumstances of the case and there is no specific allegation against the first and second petitioners, I am inclined to grant anticipatory bail to the first and second petitioners with certain conditions. Accordingly, the first and second petitioners are ordered to be released 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, Karaikudi, on condition that the first and second 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 first and second petitioners shall report before the respondent police, as and when required for interrogation;

(ii) the first and second petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the first and second petitioners shall not abscond either during investigation or trial;

(iv) the first and second petitioners shall not commit any offence while on bail;



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

WEB COPY

sd/-
12/12/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.C.JEYAPRAKASH Advocate SR.No.36074

ORDER
IN
CRL OP(MD) No.17081 of 2017
Date :12/12/2017

SMA/PM-PN/SAR-1/19.12.2017:3P/6c