



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

PRESENT

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The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.17997 of 2017

1 ASHOK
2 LAKSHMI
3 PANDIAMMAL
4 AYYANAR
5 VIJAYA @ THIRUMAGAL

... PETITIONERS/ACCUSED No.1 to 5

Vs

1 THE STATE REP. BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT,
CRIME NO.5/2017

..1st RESPONDENT / COMPLAINANT

2 PRAMILA

..2nd RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : Mr.I.SUTHAKARAN Advocate

For Respondent-1 : Mr.K.ANBARASAN, Government Advocate (Crl.side)

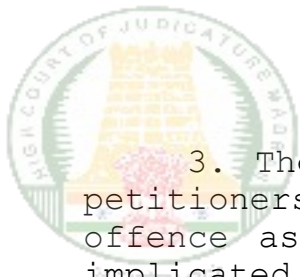
For Respondent-2 : No appearance

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 506(i) IPC and Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act., in Crime No.5 of 2017 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 16.07.2017. At the time of marriage, 5 sovereigns of gold and house hold articles, worth about Rs.30,000/- has been given by the parents of the defacto complainant as dowry to the first petitioner. After 20 days of marriage, the first petitioner and his family members, demanded additional dowry of 10 sovereigns of gold and Rs.1,00,000/- from the defacto complainant. Hence, she left the matrimonial home on 23.10.2017 and lodged a complaint against the petitioners. Based on the complaint, case has been registered for the above said offences against the petitioners.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

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4. Learned Government Advocate (Crl. Side) would submit that the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the fact that the dispute between the parties relating to matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate II, Virudhunagar, on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 Magistrate concerned and on further condition that:

[a] the petitioner nos.1 and 4 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation and the petitioner nos. 2,3 and 5 shall appear before the respondent police as and when required for interrogation;

[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 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/-

28/12/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE II
VIRUDHUNAGAR

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR



3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT,

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

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+1. CC to M/S.I.SUTHAKARAN Advocate SR.No.37098

ORDER

IN

CRL OP (MD) No.17997 of 2017

Date :28/12/2017

msa/pjl

SH/RR/SAR-3:02.01.2018:3p/6c