



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

Wednesday, the Twenty Ninth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6581 of 2017

1 S.GOPI,
2 S.SAPPANI MUTHU,
3 S.LAKSHMI,
4 M.PONMURUGAN,
5 P.ANBARASI,

... PETITIONERS / ACCUSED NO.1 TO 5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TENKASI, TIRUNELVELI DISTRICT.
(CR.NO.NOT KNOWN OF 2017) ... RESPONDENT / COMPLAINANT

For Petitioners : M/S.N.ANANDA KUMAR Advocate

For Respondent : MR.K.ANBARASAN Government Advocate (Cr1. Side)

For Intervener : MR.P.MUTHUSAMY, Advocate

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

ORDER : The Court Made the following order :-

Since the petitioners 2 to 5/A2 to A5 in this petition were already granted anticipatory bail by this Court, the first petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 294 (b), 498-A, 406, 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961, and Section 4 of TNPHW Act, in Crime No.7 of 2017, on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 17.06.2010. Due to the wedlock, they are blessed with one female child. Unfortunately, the affectionate female child died on 13.04.2017, due to the improper medical treatment given by the defacto complainant and the same was not informed to the first petitioner and thereafter he gave a complaint before the Tenkasi police station against the defacto complainant. Thereafter a difference of opinion arose between the



petitioner's family and the defacto complainant's family, which leading to file the present complaint against the petitioner and other in-laws.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that prior to the death of the female child, there was no dispute in between the petitioner's family and the defacto complainant's family. Only after the death of the affectionate female child, the difference of opinion arose between the two families. However, this Court granted anticipatory bail to the in-laws except this petitioner and there is no *iota* of evidence levelling the dowry harassment against the petitioner's family members. It is completely a foisted case against the petitioner's family members.

4. The learned counsel appearing for the intervenor would submit that the petitioner initially demanded Rs.5,00,000/- as dowry and Rs.50,000/- was paid at the time of marriage and after marriage, they demanded additional dowry against which the present complaint has been filed.

5. The learned Government Advocate (Criminal side) appearing for the respondent submitted that the investigation is still pending.

6. Considering the facts and circumstances of the case, 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, Tenkasi, on condition that the petitioner 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 appear before the investigation officer for interrogation including custodial interrogation as and when required by the investigation officer;

(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



(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/-
29/11/2017

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/ TRUE COPY /

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

pjl

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI,
TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TENKASI, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.ANANDA KUMAR Advocate SR.No.35328

GJM/RR/SAR-3-6.12.2017-3P-6C

ORDER
IN
CRL OP(MD) No.6581 of 2017
Date :29/11/2017