



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

Monday, the Seventh day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.6942 of 2017

1 V.VINOTH KUMAR
2 S.VIJAYA GOPAL
3 V.GURUVAMMAL

... PETITIONERS / ACCUSED NO.1 to 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT.
CRIME NO. 43/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.ANAND Advocate

For Respondent : MR.A.RAMAR 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 498(A), 294(b), 506(i) and Section 4 of Dowry Prohibition Act, 1961 of IPC in Crime No.43 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that all the accused have threatened the de facto complainant by demanding 50 sovereigns of gold and Rs.2,50,000/- as additional dowry.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that family members of the de facto complainant and the relatives of the accused are close relatives and hence, both families have agreed to make arrange for marriage and after one week of marriage, the de facto complainant left the matrimonial home stating that both are childhood friends and hence, they could not lead happy married life. He also submitted that the petitioners have not committed any offence as alleged and there was no such occurrence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 4 accused in this case and the petitioners are arrayed as A1 to A3



respectively. He further submitted that A1 is the husband of the de facto complainant and A2 to A4 are the in laws of the de facto complainant. He further submitted that case was referred to mediation and it was failed. The mediation report is also received by this Court and investigation is still pending.

5. Considering the facts and circumstances of the case and also taking note of the nature of allegations levelled against the petitioners, 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, Thirumangalam, Madurai District 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 1st petitioner shall report before the respondent police as and when required and other petitioners shall report before the respondent Police weekly once at Saturday, 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/-

07/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI DISTRICT.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMANGALAM, MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.ANAND Advocate SR.No.28411

ORDER

IN

CRL OP (MD) No.6942 of 2017

Date : 07/08/2017