



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

Friday, the Thirteenth day of October Two Thousand Seventeen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP (MD) No.8747 of 2017

1 RENJITH N.S. NAIR,  
2 SUGUMARAN NAIR,  
3 S.NIRMALA,  
4 DANI N.S.NAIR,  
5 GEETHA KUMARI,

... PETITIONERS / ACCUSED 1 TO 5

Vs

1 STATE REP.BY  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, COLACHEL,  
KANYAKUMARI DISTRICT.  
(CR.NO.7/2017)

2 KAVITHA  
(R2 IMPEADED AS PER ORDER OF THIS  
HON'BLE COURT MADE IN  
CRL MP(MD)NO.8501/2017 IN  
CRL OP (MD)NO.8747/23017  
DATED 18.09.2017 BY AMBAJ) ... RESPONDENTS / COMPLAINANTS

For Petitioners : M/S.C.MUTHUSARAVANAN Advocate

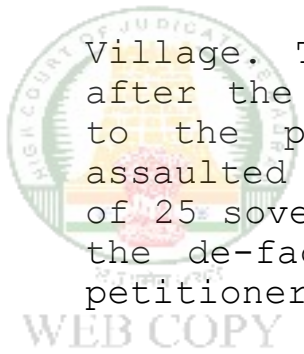
For Respondent : MR.K.ANBARASAN Government Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 & 420 of I.P.C and Sections 4 & 6 of Dowry Prohibition Act, in Crime No.7 of 2017 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 11.08.2004 the first petitioner who is none other than husband of the de-facto complainant and other petitioners have demanded 101 sovereigns gold jewellers as dowry. However, the family of the de-facto complainant accepted for 75 sovereigns and also offered to give a property to an extent of 48 cents situated at Kulapuram



Village. The first petitioner was working in Indian Army and after the marriage, he has taken his wife/de-facto complainant to the place wherein he employed and thereafter, he has assaulted the de-facto complainant and demanding balance dowry of 25 sovereigns gold jewels thereby, after returning home, the de-facto complainant has lodged a complaint against the petitioner.

3. The learned counsel for the petitioners submitted that the first petitioner is the husband of the de-facto complainant, the second petitioner is the father-in-law, the third petitioner is the mother-in-law, and 4<sup>th</sup> and 5<sup>th</sup> petitioners are the brother and sister-in-law. However, all the family members of the de-facto complainant, in order to vengeance against the petitioner family, have lodged a complaint. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.side) appearing for the State submitted that the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side) that the investigation is pending, this Court is inclined to grant anticipatory bail to the petitioners/A2 to A5 with certain conditions. Accordingly, the petitioners/A2 to A5 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.II, Kuzhithurai, 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 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 petitioners A2 and A4 shall appear before the respondent police daily at 10.00 a.m. for a period of four weeks, the petitioner A3 and A5 shall appear before the respondent police as and when required;

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

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



(iv) 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.

6. In respect of the first petitioner/A1, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed in respect of the first petitioner/A1 alone.

sd/-  
13/10/2017

/ TRUE COPY /

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

rmi/vsa

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KUZHITURAI,  
KANYAKUMARI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, COLACHEL,  
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.MUTHUSARAVANAN Advocate SR.No.32795

GJM/CM/MSA/SAR-3-23.10.2017-3P-6C

ORDER  
IN  
CRL OP(MD) No.8747 of 2017  
Date :13/10/2017