



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

Thursday, the Fifth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.23804 of 2016

1 GOPALAKANNAN
2 KALAISELVI
3 VANAMALAR
4 NATESAN
5 SORNAM
6 RAJAGOPAL
7 RENUGA

... PETITIONERS / ACCUSED No.1 to 5,7
Vs

The State rep.by
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO. 2/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.PALANI VELAYUTHAM Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

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) and Section 4 of Dowry Prohibition Act in Crime No.2 of 2016 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the de facto complainant and the first accused was solemnized on 11.10.2009 and 25 sovereigns of gold jewels and house-hold articles were given by the parents of the de facto complainant as dowry. By demanding more dowry, the petitioners harassed the de facto complainant and on 16.11.2015, A1 set fire on the dress materials of the de facto complainant and threw her daughter into the fire and that the child sustained injury on her left leg. The accused persons tortured the de facto complainant and physically assaulted her.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that still investigation is pending and jewels, which were given by the parents of the de facto complainant at the time of marriage, were not returned.



5.Considering the facts and circumstances of the case and also considering the nature of allegations leveled 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 No.I, Nagercoil, 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 petitioners shall report before the respondent Police as and when required.

[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/-

05/01/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.1249

sm:RR-ME:SAR2:19/01/2017:2P/6C

ORDER

IN

CRL OP(MD) No.23804 of 2016

Date :05/01/2017