



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

Monday, the Fifth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1271 of 2018

1 SUBRAMANIAN
2 SUBBAMMAL
3 SELVI @ TAMILSELVI
4 SARAVANAN
5 PARVATHI
6 SARASWATHI
7 ANANTHKUMAR
8 LAKSHMI

... PETITIONERS/ACCUSED 2 to A8

Vs

1 STATE THROUGH ITS
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TIRUMANGALAM,
MADURAI DISTRICT,
(CRIME NO.103/2017)

**(*) R2 KAVITHA,
W/O.VELMURUGAN,
KAMARAJAR STREET,
PERAIYUR,
MADURAI**

... RESPONDENTS/COMPLAINANTS

**(R2 IMPEADED AS PER ORDER OF THIS HON'BLE COURT
MADE IN CRL MP(MD)No.791/18 IN CRL OP(MD)No.1271/18
DATED 05.02.2018 BY RPAJ)**

For Petitioner : M/S.S.SUKUMAR Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A2 to A8, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406 of IPC., and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.103 of 2017, seek anticipatory bail.



2. The case of the prosecution is that the petitioners 1 & 2 are the father and mother of the first accused. The marriage between the defacto complainant and the first accused was solemnized on 09.02.2013, out of the wedlock, they got a child. At the time of marriage, the defacto complainant's family gave 20 sovereigns of gold and household articles as dowry to the first petitioner. Thereafter, the first accused and his family members harassed the defacto complainant by demanding additional dowry. Hence, the case has been registered for the above said offences against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they are no way connected with the offence, as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the husband of the defacto complainant is working abroad. He further submitted that the investigation is in progress.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the first and second petitioners made specific demand of 5 sovereigns of gold and Rs.1,00,000/- as additional dowry from the defacto complainant. Further, they did not ready to disclose the whereabouts of the husband of the defacto complainant till her parents fulfil the demand of additional dowry. The father-in-law and mother-in-law of the defacto complainant are the first and second petitioners in this case, the other accused in this case are all in-laws of the defacto complainant and they are residing at various places. So, considering the averments made in the FIR, this Court came to the conclusion that custodial interrogation of the first and second petitioners alone is necessary for completing the investigation. **Accordingly, insofar as the first and second petitioners are concerned, this Criminal Original Petition is dismissed.** With regard to the other petitioners, considering the relationship of the petitioners and due to the fact that they are residing in various places, custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners 3 to 8. Accordingly, the petitioners 3 to 8 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, Thirumangalam, Madurai, on condition that the petitioners 3 to 8 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 to the satisfaction of the learned Magistrate concerned and on further condition that:



(i) the petitioners 3 to 8 shall report before the Tirunelveli Town Police Station daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(ii) the petitioners 3 to 8 shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners 3 to 8 shall not abscond either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners 3 to 8 shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 3 to 8 in accordance with law as if the conditions have been imposed and the petitioners 3 to 8 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/-

05/02/2018

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TIRUMANGALAM, MADURAI DISTRICT,

4 THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI

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

+1. CC to M/S.S.SUKUMAR Advocate SR.No.1922

ORDER

IN

CRL OP(MD) No.1271 of 2018

Date :05/02/2018