



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

Tuesday, the Thirtieth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1384 of 2018

1 UMA MAGESWARI

2 IMMANUVEL THANGAKUMAR

3 JEYACHANDIRAN

4 THAVAMANI

... PETITIONERS / ACCUSED Nos.1 to 4

Vs

STATE THROUGH

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

SRIVAIKUNDAM, THOOTHUKUDI DISTRICT

(CRIME NO.2 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioners : Mr.J.ASHOK 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/A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 494 and 506(ii) of IPC., in Crime No.2 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 09.07.2014. Thereafter, due to demand of additional dowry, the first petitioner left her matrimonial home and lodged a complaint against the defacto complainant for dowry harassment and the same was registered in Crime No.3 of 2015 on 05.03.2015. Thereafter, the defacto complainant filed a HMOP for divorce. While so, during the pendency of the divorce petition, the first petitioner married the second petitioner. When the defacto complainant came to know about the second marriage of the first petitioner, she questioned the same, at that time the petitioners abused him using filthy language and threatened him with dire consequences. So, he lodged this complaint before the respondent police. Hence, the case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they are no way



connected with the alleged occurrence. He further submitted that the HMOP filed for divorce by the defacto complainant was decreed in favour of the defacto complainant on 02.01.2018. Thereafter, the marriage between the first petitioner and the second petitioner was solemnized on 21.01.2018. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that when the defacto complainant came to know about the second marriage of the first petitioner, he questioned the same, at that time the petitioners threatened him with dire consequences. He further submitted that as of now, divorce was granted in favour of the defacto complainant and the investigation in this case is still pending.

5. The submissions made by the learned counsel on either side are considered. It is alleged that prior to the registration of this case, the defacto complainant had filed a case in HMOP.No.132 of 2017 for the relief of divorce. When the divorce proceedings were pending, the first petitioner herein married the second petitioner. However, on 02.01.2018, the Court in which the HMOP was pending, has granted judgment in favour of the defacto complainant. Thereafter, this case was registered. So, considering the facts and circumstances, in order to complete the investigation, custodial interrogation may not be necessary. Hence, this Court is inclined to grant bail to the petitioners with some **conditions**. Accordingly, the petitioners are ordered to be released on anticipatory 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, Srivaikundam, on condition that each of the petitioners 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 petitioners shall report before the respondent police daily at 10.00 a.m., until further orders;

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

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

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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/-

30/01/2018

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

TO

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

+1. CC to M/S.J.ASHOK Advocate SR.No.1627

PJL

JAM/07/02/2018/PM-PN/ SAR 1 / 3P-6C

ORDER

IN

CRL OP(MD) No.1384 of 2018

Date :30/01/2018