



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

Wednesday, the Fourteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1804 of 2018

1 SHIVANANTHAM
2 KANDASAMY
3 ANNAMAYIL

... PETITIONERS / ACCUSED No.1 to 3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, BODI,
THENI DISTRICT.
(CRIME NO.4 OF 2018).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.K.AZHAGARSAMY, Advocate

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

For Intervenor : Mr.M.BALAKRISHNAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 406 and 506(i) I.P.C and Section 4 of Tamil Nadu Dowry Prohibition Act, in Crime No. 4 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the first petitioner and the petitioners 2 and 3 are the father-in-law and mother-in-law of the defacto complainant respectively. It is alleged that due to family dispute, the defacto complainant was driven out from her matrimonial home by demanding more dowry.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are in no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.



4. Heard the learned counsel appearing for the intervenor.

5. The learned Government Advocate (Crl.side) appearing for the State submitted that investigation is in progress.

6. Documents perused. Previously, this Court by an order dated 06.02.2018 in Crl.O.P(MD).No.1804 of 2018, granted interim anticipatory bail in favour of the petitioners subject to the condition that the petitioners shall execute the bond for a sum of Rs.25,000/- each. Further, at the time of passing order, the issue related to the petition was referred to the Mediation and Conciliation Centre attached to this Bench for amicable settlement.

7. Now, a bare perusal of records would show that the learned Mediator, Tamil Nadu Mediation and Conciliation Centre, Madurai Bench of Madras High Court, sent a letter to this Court, in which, it was stated that both parties have appeared before the centre along with their counsel, but they are unable to arrive at an amicable settlement. As of now, the husband of the defacto complainant filed an application before the learned Sub Court, Uthamapalayam for the relief of divorce. So, considering the facts and circumstances of the case, the earlier order passed by this Court in Crl.O.P(MD).No.1804 of 2018, dated 06.02.2018 is made absolute. Accordingly, the Criminal Original Petition is allowed.

sd/-
14/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
BODI, THENI DISTRICT
- 2 THE CHEIF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, BODI, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1804 of 2018
Date :14/03/2018