



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2008 of 2018

1 GURU RAJAPPA
2 PADMAVATHI
3 SRIDHARAN

... PETITIONERS/ ACCUSED NOS.3,2 & 1
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
IN CRIME NO.19/2017

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.PT.S.NARENDRAVASAN, Advocate
For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

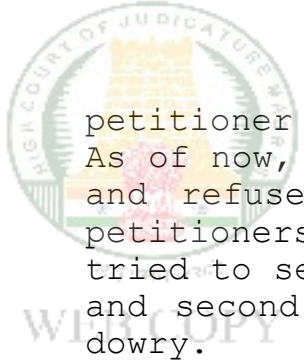
The petitioners, who are arrayed as accused Nos.3, 2 and 1, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 498(A), 406 and 506(i) of IPC, in Crime No.19 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the petitioners who are the in-laws of the defacto complainant harassed the defacto complainant by demanding more dowry. Hence, the defacto complainant lodged the present complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that the defacto complainant voluntarily left out of the matrimonial home and foisted false case against these petitioners.

4.The learned Government Advocate (Criminal Side) would submit that the petitioners, who are the in-laws of the defacto complainant are alleged to have, demanded a sum of Rs.10,00,000/- and a car as dowry from the defacto complaint.

5.The submissions made by the learned counsel appearing on either side are considered. Admittedly, the defacto complainant is the daughter-in-law of the first and second petitioners. The third



petitioner herein is the brother-in-law of the defacto complainant. As of now, the husband of the defacto complainant is stayed in U.S.A and refused to come to India. While so, the first and second petitioners being the elders of the defacto complainant have not tried to settle the dispute between them. Instead of that the first and second petitioners are alleged to have made a demand for more dowry.

6.Considering the facts and circumstances of this case, this Court is of the view that if anticipatory bail is granted in favour of the first and second petitioners, they may not take any steps to settle the issue. Accordingly, this Court is not inclined to grant anticipatory bail to the first and second petitioners. But, with regard to the third petitioner is concerned, the defacto complainant does not make any specific allegation against him. So, considering the role played by the third petitioner in the alleged offence, this Court inclined to grant anticipatory bail to the third petitioner.

7.Accordingly, the 3rd petitioner/A1 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, on condition that the third petitioner 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 third petitioner shall report before the respondent police, daily at 10.00 a.m. for a period of three weeks and thereafter as and when required for interrogation;

(ii) the third petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the third petitioner shall not abscond either during investigation or trial.

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

8.This criminal original petition is dismissed, in respect of the first and second petitioners.

sd/-
08/02/2018

/ TRUE COPY /



TO

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

+1. CC to M/S.PT.S.NARENDRAVASAN Advocate SR.No.2151

ORDER

IN

CRL OP (MD) No.2008 of 2018

Date : 08/02/2018

MS/CM/SAR.4/12.02.2018/3P.6C