



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

Monday, the Twelfth day of February Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2121 of 2018

1 GEETHA
2 MANIGANDA BOOPATHY
3 SURIYAKALA
4 RAMACHANTHIRAN

... PETITIONERS/ACCUSED No.3 to 6

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PATTUKKOTTAI,
THANJAVUR DISTRICT,
IN CRIME NO.10/2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.R.ILAYARAJA Advocate

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

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

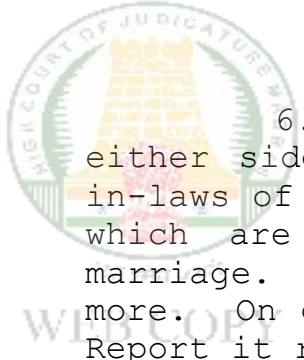
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.3 to 6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 354, 323, 463, 466, 498(A), 506 (i) of IPC and Sections 4 and 6 of Dowry Prohibition Act, in Crime No.10 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the petitioners, who are in-laws of the defacto complainant, suppressing the Kidney failure of Kumar (since deceased), the son of the accused nos.1 and 2, arranged the marriage with de facto complainant and also demanded dowry after the marriage. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.



6. The submissions made by the learned counsel appearing on either side are considered. It is alleged, the petitioners, being in-laws of the *defacto* complainant, refused to return the properties which are brought by the *defacto* complainant at the time of marriage. As of now, the husband of the *defacto* complainant is no more. On going through the averments made in the First Information Report it reveals that earlier also the *defacto* complainant lodged a complaint before the respondent Police for the very same offence, and the same was enquired into and closed and thereafter, she preferred this complaint before the learned Judicial Magistrate, due to which, a case was registered. Considering the relationship of the petitioners and the *defacto* complainant, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

7. Accordingly, the petitioners 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, Pattukkottai, 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 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/-
12/02/2018

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trp
TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PATTUKKOTTAI,
THANJAVUR DISTRICT

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

+1. CC to M/S.R.ILAYARAJA Advocate SR.No.2349

ORDER

IN

CRL OP (MD) No.2121 of 2018

Date :12/02/2018

SMA/RR-CSL/SAR-2/16.02.2018:3P/6c