



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

Tuesday, the Thirteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2196 of 2018

1 SRI KAMALAKANNAN
2 ANTHONIAMMAL
3 PANNEERSELVAM
4 MALAIKANI

... PETITIONERS/ACCUSED No.1 to 4

Vs

STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT,
IN CRIME NO.3/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.D.RAMESHKUMAR Advocate

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

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

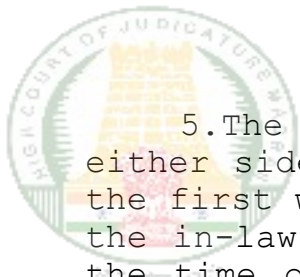
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 4, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 494 and 406 of IPC r/w Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.3 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner along with other petitioners who are the in-laws of the defacto complainant harassed the defacto complainant by demanding more dowry and the first petitioner married one another lady. 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.

4.The learned Government Advocate (Criminal Side) would submit that the first petitioner who is the husband of the defacto complainant married another girl who is arrayed as accused No.5 in this case and gave birth a girl child.



5.The submissions made by the learned counsel appearing on either side are considered. Admittedly, the defacto complainant is the first wife of the first petitioner and the other petitioners are the in-laws of the defacto complainant. It is alleged that during the time of the matrimonial life, in order to get more dowry, the petitioners herein harassed the defacto complainant in so many ways. Finally, the first petitioner had married with one Kalaiarasi. She is also accused in this case. So far, the properties which were handed over to the petitioners in the name of Srithana was not recovered so far.

6.Considering the facts and circumstances of this case, with regard to the petitioners 2 and 3 are concerned, this Court is inclined to grant anticipatory bail to the them. Accordingly, the petitioners 2 and 3 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, Rajapalayam, 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 2 to 4 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 petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners 2 to 4 shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners 2 to 4 shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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]**.

7.Considering the gravity of offence committed by the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this criminal original petition is dismissed, in respect of the first petitioner.

sd/-

13/02/2018

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TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.2395

ORDER

IN

CRL OP(MD) No.2196 of 2018

Date :13/02/2018

SMA/RR/SAR-3/22.02.2018:3P/6c