



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.2204 of 2018

1 KALAIYARASI
2 KASTHURI

... PETITIONERS/ACCUSED 5 & 7

Vs

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

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.R.VINOTH Advocate

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

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

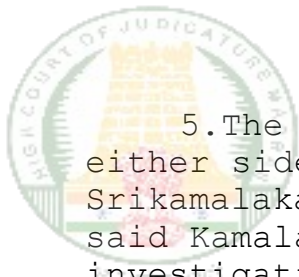
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.5 & 7, 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 Accused No.1 along with other accused persons harassed the defacto complainant by demanding more dowry and the accused No.1 married one another lady who is the accused No.5. 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 accused No.1 who is the husband of the defacto complainant married another girl who is accused No.5 in this case and gave birth to a girl child. According to him, the investigation is still pending.



5.The submissions made by the learned counsel appearing on either side are considered. The first petitioner herein married one Srikamalakannan as a second wife, due to which the first wife of the said Kamalakannan was made sufferings. So, in order to complete the investigation custodial interrogation of the first petitioner is necessary. But, with regard to the second petitioner, considering the facts and circumstances of the case, custodial interrogation may not be necessary.

6.Considering the facts and circumstances of this case, with regard to the second petitioner is concerned, this Court is inclined to grant anticipatory bail to him. Accordingly, the second petitioner 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, Rajapalayam, on condition that the 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 second 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 second petitioner shall not tamper with evidence or witness either during investigation or trial.

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

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

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



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.R.VINOTH Advocate SR.No.2396

ORDER

IN

CRL OP(MD) No.2204 of 2018

Date :13/02/2018

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