



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

Thursday, the Fifteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2326 of 2018

1 RASAMMAL
2 RAMALAKSHMI
3 KANJANA
4 LATHA
5 SETHU
6 GEETHA
7 MUTHURAMAU

... PETITIONERS / ACCUSED NO.2 to 8

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MANAMADURAI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT
IN CR.NO. 3/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.K.R.BADURUS ZAMAN for M/S.V.KANNAN Advocate

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

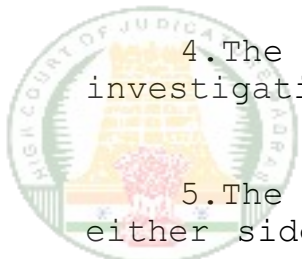
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners / A2 to A8, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 498(A), 406, 494 IPC and Section 4 of T.N.P.W.H. Act in Crime No.3 of 2018, seek anticipatory bail.

2.The case of the prosecution is that A1 in this case is the husband of the de facto complainant. The petitioners 1, 2, 4, 5, 6 and 7 are the in-laws of the de facto complainant. Since, the petitioners herein demanded more dowry, she went to her parental home and living with her parents. On 08.02.2018, the firs accused married one Kanjana, who is the 3rd petitioner herein illegally. Hence, the present case has been registered.

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 no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate(Crl.side) submitted that investigation is still pending.

5.The submissions made by the learned counsels appearing on either side are considered. As of now, the first accused in this case was arrested and remanded to the judicial custody. The petitioners 1, 2, 4, 5, 6 and 7 are the in-laws of the de facto complainant. It is alleged that during the time of occurrence, A1 in this case married the third petitioner as his second wife. Before that, the petitioners, except the third petitioner in this case, have demanded more dowry from the de facto complainant. However, considering the relationship between the de facto complainant and the petitioners 1, 2, 4, 5, 6 and 7, custodial interrogation may not be necessary for completing the investigation. With regard to the third petitioner, extensive investigation is needed for completing the investigation.

6.Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail only to the petitioners 1, 2, 4, 5, 6 and 7, with certain conditions. Accordingly, they 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, Manamadurai, Sivagangai District, 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 1, 2, 4, 5, 6 and 7 shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners 1, 2, 4, 5, 6 and 7 shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 1, 2, 4, 5, 6 and 7 shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners 1, 2, 4, 5, 6 and 7 shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 1, 2, 4, 5, 6 and 7 in accordance with law as if the conditions have been imposed and the petitioners 1, 2, 4, 5, 6 and 7 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 nature of offence committed by the third petitioner, this Court is not inclined to grant anticipatory bail to the third petitioner. Accordingly, this Criminal Original Petition is dismissed in respect of the third petitioner.

sd/-
15/02/2018

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
MANAMADURAI, SIVAGANGAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
MANAMADURAI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.V.KANNAN Advocate SR.No.2655

ORDER
IN
CRL OP (MD) No.2326 of 2018
Date :15/02/2018

MKV-CM-SAR 1/22.2.2018/3P-6C