



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.257 of 2018

KRISHNAVENI

... PETITIONER/ACCUSED NO.8

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT
(CRIME NO. 46 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.PITCHAIMUTHU Advocate

For Respondent : M/S.S.BHARATHI Government Advocate (Crl. Side)

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

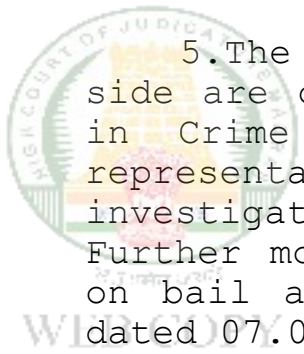
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.8, apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 498(A) & 506(ii) of IPC and Section 4 of TNWH Act 2002, Section 4 Dowry Prohibition Act, 1961, in Crime No.46 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between one Malairaj and one Priya was solemnized on 09.06.2013, when thus being so in the month of April 2017 all the accused persons subjected her cruelty by demanding additional dowry. Hence the present petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is in no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that investigation is not yet completed.



5.The submissions made by the learned counsel on either side are considered. The petitioner herein is the 8th accused in Crime No.46/2017 of respondent police. As per the representation of the prosecution, after completing investigation, charge sheet has been filed on 31.10.2017. Further more, the other accused in this case are all released on bail as per the order passed in CrI.O.P(MD).No.6693/2017, dated 07.06.2017 of this Court.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner, 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, Melur, Madurai District, on condition that 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 petitioner shall report before the Judicial Magistrate, Melur, daily at 10.00 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

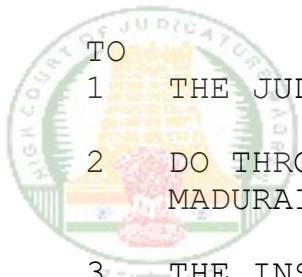
(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

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

sd/-
08/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MELUR, MADURAI DISTRICT

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

+1. CC to M/S.M.PITCHAIMUTHU Advocate SR.No.465

TM/CP

GJM/CM.VR.SAR-4-11.1.18-3P-6C

ORDER

IN

CRL OP(MD) No.257 of 2018

Date :08/01/2018