



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

Wednesday, the Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3153 of 2018

1 MANIKANDAN
2 BALAKRISHNAN
3 PANCHAVARNAM
4 PRABAKARAN
5 MOHAN

... PETITIONERS/ACCUSED NOS.1 TO 5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SAMAYANALLUR,
MADURAI DISTRICT,
CRIME NO. 36/2016

... RESPONDENTS/COMPLAINANT

For Petitioner : M/S.K.BASKARAN 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 :-

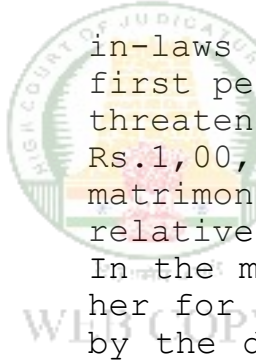
The petitioners, who are arrayed as accused nos.1 to 5, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A) of IPC and Section 4 of TNPWH Act, in Crime No.36 of 2016, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have demanded additional 20 sovereigns of gold jewels as dowry and Rs.1,00,000/- from the defacto complainant and also made life threat to her. 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 the innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation of the case is not yet completed.

5.The submissions made by the learned counsel appearing on either side are considered. Admittedly, the first petitioner is the husband of the defacto complainant and the other petitioners are all



in-laws of the defacto complainant. It is alleged on 16.03.2016, the first petitioner herein ill treated the defacto complainant and made threatening for additional dowry of 20 sovereigns of gold jewels and Rs.1,00,000/-. Thereafter, the defacto complainant left the matrimonial home. During the compromise talk initiated by the relatives, the first petitioner refused to arrange separate family. In the meanwhile, the brother of the defacto complainant approached her for some other purposes, for which, a complaint has been lodged by the defacto complainant on 08.07.2016 and subsequently, in the year 2017, the defacto complainant filed an application before the Sub Court, Thirumangalam for the relief of Dissolution of marriage. So, the entire facts and circumstances shows, as of now, the defacto complainant is not willing to join with the first petitioner. Since the offence committed by the petitioner is a matrimonial one, considering the observations made by the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar and another [Cr1.A.No.1277 of 2014]**, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Additional Mahila Court, Madurai, 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 the respondent police, daily at 10.30 am 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 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/-
07/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, (ADDITIONAL MAHILA COURT), MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SAMAYANALLUR, MADURAI DISTRICT.

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

+1. CC to M/S.K.BASKARAN Advocate SR.No.3781

TRP

CSL/CM-VR/SAR-III/16.03.2018 : 3P/6C

ORDER

IN

CRL OP (MD) No.3153 of 2018

Date :07/03/2018