



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.332 and 1866 of 2018

A.MAHENDRAN,

... PETITIONER

IN CRL OP(MD)NO.332/2018

R.ANGUSAMY

A.ANDAL

...PETITIONERS/ACCUSED NO.2 & 3

IN CRL OP(MD)NO.1866/2018

Vs

THE STATE : REP.BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM,
CRIME NO.2/2018
MADURAI DISTRICT.

**(AMENDED AS PER ORDER OF THIS HON'BLE COURT MADE
IN CRL MP(MD)NO.897/2018 IN CRL OP(MD)NO.332/2018
DATED 08.02.2018 BY RPAJ)**

... RESPONDENT

IN CRL OP(MD)NO.332/2018

THE STATE : REP.BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM,
MADURAI DISTRICT
CRIME NO.2/2018

...RESPONDENT

IN CRL OP(MD)NO.1866/2018

For Petitioners : M/S.C.PANDARASAMY Advocate
IN CRL OP(MD)NO.332/2018
: MR.D.SADIQ RAJA Advocate
IN CRL OP(MD)NO.1866/2018

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)
IN BOTH THE PETITIONS

For Intervener : MR.T.K.GOPALAN, Advocate
IN CRL MP(MD)NO.768/2018 IN CRL OP(MD)NO.332/2018



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

ORDER : The Court Made the following order :-

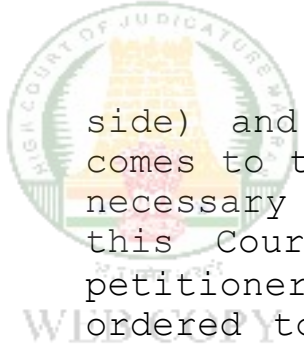
The petitioner in CrI.O.P.(MD)No.332 of 2018, who is arrayed as first accused and the petitioners in CrI.O.P.(MD) No.1866 of 2018, who are arrayed as Accused Nos.2 and 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 294(b) and 506 (ii) I.P.C., in Crime No.2 of 2018, and hence, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is wife of the first accused. Due to family dispute, the petitioners abused the de-facto complainant using with filthy language and threatened with dire consequences. Hence, the defacto complainant lodged a complaint against the petitioners.

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 and the de-facto complainant are compromised the dispute in out of Court, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that the first accused and the de-facto complainant are husband and wife. Due to family dispute, the de-facto complainant lodged a complaint. Now, the petitioners and the de-facto complainant have settled their dispute out of Court.

5.Considering the submissions made on either side, it seems that the occurrence was happened due to the family dispute. The petitioner in CrI.O.P.(MD)No.332 of 2018 is the first accused and the petitioners in CrI.O.P.(MD)No.1866 of 2018, are arrayed as A2 and A3 in Crime No.2 of 2018. Admittedly, the petitioner in CrI.O.P.(MD)No.332 of 2018 is the husband of the de-facto complainant and the petitioners in CrI.O.P.(MD)No.1866 of 2018 are the in-laws of the de-facto complainant. The marriage between the de-facto complainant and the first accused was solemnized on 27.08.2017. Thereafter, all the petitioners demanded more dowry and ill-treated the de-facto complainant. As per the submissions made by the learned counsel for intervenor as well as the learned Government Advocate (Criminal Side), now, the dispute between the defacto complainant and her husband was settled in out of Court. Now, considering the submissions made by the learned Government Advocate (Criminal



side) and by the learned counsel for intervenor, this Court comes to the conclusion that custodial interrogation may not be necessary for completing the investigation in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners, 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 No.I, Thirumangalam, 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 10.00 a.m. for a period of two weeks, thereafter, as and when required for interrogation.

(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 petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
28/02/2018

/ TRUE COPY /

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



LS
TO

1 THE JUDICIAL MAGISTRATE NO.1, THIRUMANGALAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

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

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

+1. CC to M/S.C.PANDARASAMY Advocate SR.No.3234

+1. CC to D.SADIQ RAJA Advocate SR.No.3249

GJM/CM/VR/SAR-2-16.3.18-2P-7C

ORDER

IN

CRL OP (MD) No.332 &

1866 of 2018

Date :28/02/2018