



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

Monday, the Fifth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3399 of 2018

1 SONAI
2 JEYA

... PETITIONERS/ACCUSED 2 AND 3

Vs

STATE BY,
THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
MADURAI CITY, MADURAI.
IN CRIME NO.33/2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.A.MURUGANANTHAN Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners are arrayed as A2 and A3 in Crime No.33 of 2017 on the file of the Thallakulam Police Station, Madurai. He apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498(A), 406 and 506(i) IPC, he has filed this petition, seeking relief to grant of anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioners' son and the defacto complainant was solemnized in the year 2007. After 10 years, the defacto complainant filed a complaint against the petitioners as if the petitioners and others demanded additional dowry, thereby, the petitioners tortured the defacto complainant. Against which, the defacto complainant lodged a complaint against the petitioners.

3. The learned counsel for the petitioners submitted that after 10 years, there is no allegation against the petitioners and the defacto complainant filed a complaint before the respondent police that shows there is no dowry harassing. He further submitted



that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal Side) appearing for the State submitted that there are four accused in this case, the petitioners are the in-laws of the defacto complainant. He further submitted that accused No.1, who is husband of the defacto complainant already granted anticipatory bail in CrI.O.P.(MD)No.17378 of 2017, dated 18.12.2017. According to him, investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. The petitioners herein are the father-in-law and mother-in-law of the defacto complainant respectively, already this Court granted anticipatory bail to the husband of the defacto complainant vide order in CrI.O.P.(MD)No.17378 of 2017. It is alleged during the time of occurrence the petitioners and their son demanded more dowry and committed this offence. Considering the facts and circumstances, further custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 No.II, Madurai on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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:

- (ii) the petitioners 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;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioners shall not commit any offence while on bail;
- (vi) on breach of any of the aforesaid conditions, the 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 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]**.

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sd/-
05/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI
- 3 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI CITY, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.A.MURUGANANTHAN Advocate SR.No.52739

ORDER
IN
CRL OP(MD) No.3399 of 2018
Date :05/03/2018

PK/CM-VR/SAR-2/09.03.2018 : 3P/6C