



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

Tuesday, the Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3427 of 2018

1 P.BOOPALAN
2 PANDIAN
3 P.JANSIRANI

... PETITIONERS/ACCUSED

Vs

THE STATE REP.BY.
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI,
MADURAI DISTRICT.
CR.NO.10 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.R.SARAVANAN, 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, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 498(A) I.P.C., in Crime No.10 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 07.06.2009. Out of the wedlock, two children were born. Thereafter, the first petitioner and his family members have demanded more dowry from the defacto complainant, due to which, the petitioners herein tortured the defacto complainant. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that totally there are three accused in this case. The first petitioner is the husband, the second petitioner is the father-in-law and the third petitioner is the mother-in-law of



the defacto complainant. According to him, investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that the marriage between the first petitioner and the defacto complainant was solemnized on 07.06.2009. Thereafter, they are blessed with two children. Now, the children are in the custody of the first petitioner. In the F.I.R., the defacto complainant has made several allegations against the first petitioner herein. However, as of now, the first petitioner had filed a divorce petition in H.M.O.P.No.245 of 2016 on the file of the learned Sub Court, Theni. On the other hand, the defacto complainant has filed a petition for restitution of conjugal rights before the same Court in H.M.O.P.No.21 of 2017. Thereby, considering the present situation, the chances for reunion is in remote. Since the offence committed by the petitioners is a matrimonial one, custodial interrogation of the petitioners may not be necessary for completing the investigation, hence, this Court is inclined to grant anticipatory bail to the petitioners. 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, Usilampatti, 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 10.30 a.m until further orders.

(i) 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/-

06/03/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE,
USILAMPATTI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

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

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

+1. CC to M/S.R.SARAVANAN Advocate SR.No.3511

ORDER
IN
CRL OP(MD) No.3427 of 2018
Date :06/03/2018

PK/RR-CSL/SAR-2/14.03.2018 : 3P/6C