



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

Friday, the Twenty Seventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.3493 of 2018

1 S. VADIVEL

2 S. PAPPA

... PETITIONERS/ACCUSED NO.1 & 2

Vs

1 THE STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, THIRUPPATHUR,

SIVAGANGAI DISTRICT.,

IN CR.NO. 2/2018

... 1ST RESPONDENT / COMPLAINANT

2 RATHI DEVI

... 2ND RESPONDENT(S) / DEFACTO COMPLAINANT

For Petitioners : M/S.J.M.HASSANUL BAZARI Advocate

For Respondent 1 : Mr.A.ROBINSON Govt. Advocate (Crl. Side)

For Respondent 2 : M/S/B/JANATH AHMAD Advocate

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

ORDER : The Court Made the following order :-

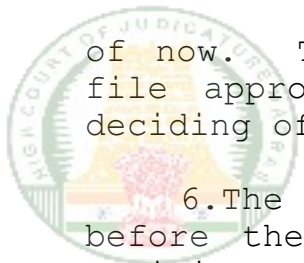
The petitioners, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498(A), 406, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.2 of 2018, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent Police and also the learned counsel appearing for the second respondent.

3.The learned counsel appearing for the second respondent/ defacto complainant submitted that the jewellery gifted in connection with the marriage, is still with the petitioners and that has to be returned to the de facto complainant.

4.The learned counsel for the petitioners, on the other hand, submitted that such jewellery have already been returned to the defacto complainant.

5.In this regard, this Court is unable to give any findings as



of now. Therefore, liberty is given to the second respondent to file appropriate petition under the provisions of D.V. Act for deciding of this issue.

6.The second respondent has already filed Maintenance Case before the learned Judicial Magistrate, Thiruppathur. The first petitioner undertakes that subject to the outcome of the said M.C., he is ready to deposit a sum of Rs.6,000/- every month into the bank account of the second respondent as an interim arrangement.

7.Accordingly, the petitioner is directed to deposit a sum of Rs.6,000/- into the bank account of the second respondent 10th of every English calender month, commencing from August 2018. All the other contentions of the parties are left entirely open. This Court is inclined to grant anticipatory bail to both the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thiruppathur, Sivagangai District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:-

(i)the first petitioner shall deposit a sum of Rs.6,000/- (Rupees Six Thousand only) every month to the credit of Bank Account of the second respondent, commencing from August 2018 onwards.

(ii)the petitioners shall appear before the respondent police as and when required for interrogation.

(iii)the petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

(iv)the petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
27/07/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUPATHUR.



2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUPPATHUR,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.B.JANATH AHMED Advocate SR.No.14486

+1. CC to M/S.J.M.HASSANUL BAZARI Advocate SR.No.14305

ORDER

IN

CRL OP(MD) No.3493 of 2018

Date :27/07/2018

MV:JC:SAR4:07/08/18/2P/7C