



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

Tuesday, the Thirteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3861 of 2018

1 SOLLAIAMMAL
2 MUNIYASAMY @ THANGA MUNIYASAMY
3 VELRAJAN ... PETITIONERS/ ACCUSED Nos.2,3 & 5

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE ,
ALL WOMEN POLICE STATION,
TUTICORIN. IN CR.NO. 4/2018 ... RESPONDENT

For Petitioner : M/S.S.SENTHIL SANKARA NATHA, Advocate

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

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

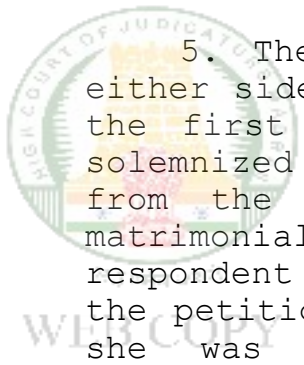
ORDER : The Court Made the following order :-

The petitioners/A2, A3 & A5, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498 (A), 406 I.P.C., Section 4 of DP Act and Section 4 of TNPWH Act, in Crime No.4 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and first accused in this case was solemnized on 04.09.2017. After the marriage, the first accused and the petitioners herein, who are the mother and father of the first accused, had demanded more dowry from 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 not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that totally there are five accused in this case. The petitioners herein are arrayed as A2, A3 and A5. According to him, investigation is still pending.



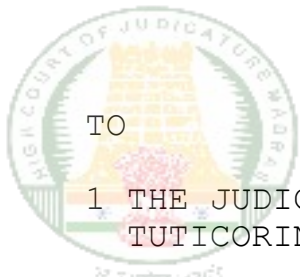
5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that the marriage between the first accused in this case and the defacto complainant was solemnized on 04.09.2017. Subsequent to that, within three months from the date of marriage, the defacto complainant left the matrimonial home and thereafter she lodged a complainant before the respondent police. The defacto complainant made allegations against the petitioners herein that they had demanded more dowry, thereby, she was ill-treated by the petitioners. Except the above allegations, no other allegation is levelled against the petitioners. The petitioners are in-laws of the defacto complainant. On go through the averments made in the F.I.R., she made crucial allegation only against her husband and he is not a petitioner in this application. So, considering the relationship between the petitioners and the defacto complainant, the offence committed by the petitioners is nothing but matrimonial offence. So, considering the verdict of our Hon'ble Apex Court in Arnesh Kumar Vs State of Bihar and another [Crl.A.No.1277 of 2014], this Court is inclined to grant anticipatory bail to the petitioners. 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.III, Tuticorin, 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:

- (i) the petitioners shall report before the respondent Police daily at 10.00 a.m. 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 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/-

13/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.III,
TUTICORIN.

2 THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TUTICORIN.

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

+1. CC to M/S.S.SENTHIL SANKARA NATHA Advocate SR.No.4002.

ORDER

IN

CRL OP(MD) No.3861 of 2018

Date :13/03/2018

SDS/PN/SAR.1/19.03.2018/3P/6C