



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

Tuesday, the Third day of April Two Thousand Eighteen

PRESENT

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

CRL OP (MD) No.3913 of 2018

1 SIVABALAN
2 PRATHAP

... PETITIONERS/ACCUSED No. 1 AND 4

Vs

1 STATE THROUGH,
THE SUB INSPECTOR OF POLICE
AWPS, UTHAMAPALAYAM,
THENI DISTRICT.
IN CR.NO. 01/2018

(*) 2 ILAKYA

... RESPONDENTS

**(*) R2 IMPEADED AS PER ORDER OF THE HON'ble COURT MADE IN CRL.MP
(MD).2238/18 IN CRL OP(MD) No.3913/18 DATED 22.03.2018.**

For Petitioners : M/S.T.LAJAPATHIROY, Advocate

For Respondents : M/S.A.P.G.OHM CHAIRMA PRABU,
Government Advocate (Crl.Side)

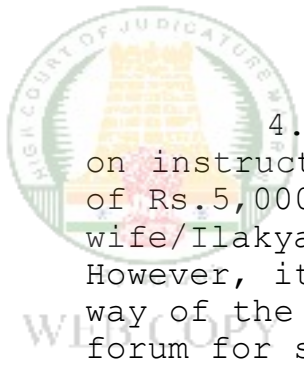
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 4 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A) IPC and Section 4 of Dowry Prohibition Act, in Crime No.1 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and the second petitioner is the brother-in-law of the defacto complainant. The petitioners have demanded additional dowry from the defacto complainant and also subjected her to cruelty.

3.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the first respondent police and the learned counsel for the second respondent/defacto complainant.



4. At this juncture, the learned counsel for the petitioners on instructions submitted that the first petitioner shall pay a sum of Rs.5,000/- per month towards interim maintenance in favour of his wife/Ilakya. This undertaking given by the husband is recorded. However, it is made clear that the said payment will not come in the way of the wife from taking out proper application before the proper forum for securing better remedy and higher relief.

5. Considering the facts and circumstances of the case and also the objections raised by the learned Government Advocate (Criminal Side) as well as the defacto complainant, this Court is passing the following order:

(i) the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Uthamapalayam, Theni District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

(ii) Since the first petitioner is presently working in Border Security Force, it may not be possible for him to avail leave even for the purpose of appearing before the Jurisdictional Court for execution of sureties. Therefore, the first petitioner is granted six months time to appear before the Jurisdictional Court and execute the sureties in compliance of this order.

(iii) As regards the second petitioner herein, he is only working as police constable in Chennai and there will not be any difficulty for him to appear within a period of 15 days.

(iv) The first petitioner/A1 shall appear before the concerned Magistrate within a period of six months and the second petitioner/A3 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/-
03/04/2018

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, UTHAMAPALAYAM,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LAJAPATHIROY Advocate SR.No.5301

ORDER

IN

CRL OP(MD) No.3913 of 2018

Date :03/04/2018

PK/RR/SAR-4/05.04.2018 : 3P/6C