



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

Thursday, the Twenty Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4485 of 2018

1 A.P.SILUVAI RAJA

2 A.P. VICTOR THANGARAJA

... PETITIONERS/ACCUSED NOS.4&5

Vs

STATE THROUGH

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

THOOTHUKUDI,

THOOTHUKUDI DISTRICT

CRIME NO. 14 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.ASHOK 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 :-

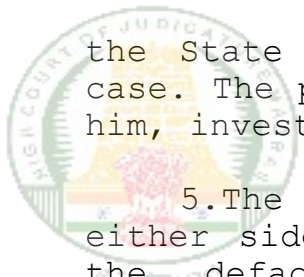
The petitioners / A4 & A5, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498 (A), 294(b), 406, 506(ii) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.14 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first accused in this case and the defacto complainant was solemnized on 21.10.2010. The petitioners herein are in-laws of the defacto complainant. After the marriage, due to domestic quarrel, the petitioners herein and other accused in this case 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 been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

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 A4 and A5. 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 in-laws of the defacto complainant. After the marriage, the defacto complainant's husband, who is arrayed as A1 in this case had ill-treated the defacto complainant and refused to return the seethana properties, which was received by the first accused at the time of marriage. Now, according to prosecution, all other accused in this case were released on bail. More over, the petitioners herein are in-laws of the defacto complainant. Thereby, considering the facts and circumstances of the case and also considering the verdict of our Hon'ble Supreme Court in the case of **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, 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 No.III, Thoothukudi, 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. Until further orders.

(i) the petitioners shall not tamper with evidence or witness either during investigation or trial.

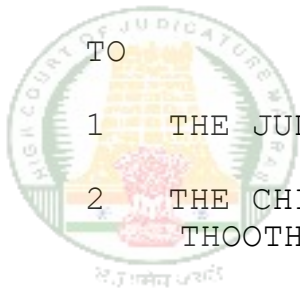
(iii)the petitioners shall not abscond either during investigation or trial.

(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/-
22/03/2018

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



TO

1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THOOTHUKUDI, THOOTHUKUDI DISTRICT.

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

MSA

CSL/PN/SAR-IV/06.04.2018 :3P/5C

ORDER

IN

CRL OP(MD) No.4485 of 2018

Date :22/03/2018