



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.537 of 2018

1 SUREKA
2 PRABAKARAN
3 NALLAIAH

... PETITIONERS / ACCUSED NO.4,5 &7

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT
(CRIME NO. 1 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.VINAYAGAM Advocate

For Respondent : M/S.S.BHARATHI Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

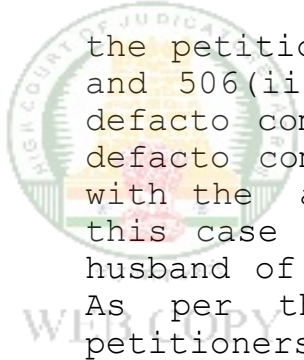
The petitioners/A4, A5 & A7, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406 and 506(ii) IPC, in Crime No.1 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely Viji married one Suresh Kanna. After their marriage, she was harassed by the accused persons by demanding more dowry. Hence, the present complaint is registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that they are innocents and they have not committed any offence as alleged by the prosecution and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that there was some matrimonial dispute between the husband and wife. The petitioners are the in laws of the defacto complainant. She further submitted that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against



the petitioners for the alleged offences under Sections 498(A), 406 and 506(ii) IPC. The petitioners herein are all relatives of the defacto complainant. It is alleged that after marriage between the defacto complainant and one Suresh Kanna, petitioners herein along with the above Suresh Kanna demanded dowry. As a result of which, this case has been registered by the respondent police. Now, the husband of the defacto complainant is residing in Andhaman Nicobar. As per the submission made by the learned counsel for the petitioners, the husband of the defacto complainant filed a petition for divorce in H.M.O.P.No.44 of 2017, on the file of the Sub-Court, Ramanathpuram, which was still pending. Therefore, nothing has to be recovered by way of interrogation. However, being a matrimonial offence there may not be a chance for reunion and amicable settlement in future, if this application is dismissed.

6. Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Karaikudi on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(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 Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

11/01/2018

/ TRUE COPY /



1s/cp

TO

1 THE JUDICIAL MAGISTRATE, KARAIKUDI

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

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

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

+1. CC to M/S.S.JEYAKARTHIK Advocate SR.No.671

GJM/CM/VR/SAR-I-18.1.18-3P-6C

ORDER

IN

CRL OP(MD) No.537 of 2018

Date :11/01/2018