



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

Monday, the Twenty Second day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.789 of 2018

1 SRIDHAR PAPPY,
2 BALAMANI,
3 NAVANEETHA KRISHNAKUMAR,
4 KARTHIK,

... PETITIONERS/ACCUSED No.1 to 4

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.24/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.RAMASAMY 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, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 498(A), 323, 406, 313 IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime No.24 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner along with other accused by demanding additional dowry have harassed the de facto complainant, who is the wife of the 1st petitioner.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted on 03.04.2017 itself, the first petitioner filed an application against the de facto complainant for the relief of restitution of conjugal rights. Thereafter, on 13.11.2017 the first petitioner filed another application for the relief of divorce. Only after filing those cases, this case was registered against the petitioners on 30.12.2017. He further submitted that the petitioners have not



committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioners for the offence punishable under Sections 498(A), 323, 406, 313 IPC and Section 4 of Dowry Prohibition Act, 1961. It is alleged that during the time of occurrence, the petitioners along with other 5 accused demanded car as additional dowry and assaulted the de facto complainant. Even though, the allegations levelled by the de facto complainant is grave in nature, as per the typed set submitted by the petitioners, discloses that on 03.04.2017 itself, the first petitioner filed an application against the de facto complainant for the relief of restitution of conjugal rights. Thereafter, on 13.11.2017 the first petitioner filed another application for the relief of divorce. Only after filing those cases, this case was registered against the petitioners on 30.12.2017. It shows that the contentions raised by the petitioners was substantiated with the relevant documents. Further more, the petitioners and the de facto complainant are having matrimonial relationship, there is no chance to tamper the witnesses and hamper the investigation.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Aruppukottai 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 10.00 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]**.

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22/01/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI
 - 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
 - 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
- +1. CC to M/S.S.RAMASAMY Advocate SR.No.1062

ORDER
IN
CRL OP(MD) No.789 of 2018
Date :22/01/2018

SMA/RR-CSL/SAR-1/30.01.2018:3P/6c