



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

Monday, the Ninth day of April Two Thousand Eighteen

PRESENT

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

CRL OP (MD) No.5631 of 2018

KANDASAMY

... PETITIONER/ACCUSED No.4

Vs

THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION JUNCTION,
TIRUNELVELI DISTRICT.
IN CR.NO. 4/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.M.VISHNUVARTHANAN, Advocate

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

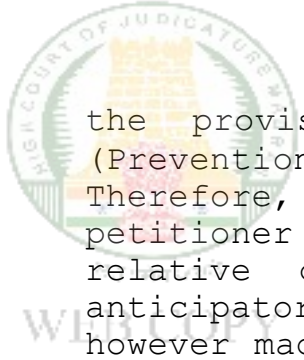
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/ accused No.4 apprehends arrest at the hands of the Sub Inspector of Police, All Women Police Station Junction, Tirunelveli District for the offences punishable under Sections 498A, 294(b), 315, 506(i) of I.P.C. r/w Section 4 of Dowry Prohibition Act and Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST POA Act, 2015 IPC in Crime No.4 of 2017, and seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl Side) appearing for the respondent.

3.The defacto complainant is one Muthueaswari and her husband is accused No.1 in this case. The petitioner is a relative of Accused No.1. It is seen that the defacto complainant belongs to Scheduled Caste Community, while the husband belongs to non-Scheduled Community. The marriage between the accused No.1 and the defacto complainant took place on 13.06.2017. A child was also born to them. But subsequently, marital issue arose between them, because of which they live separately. As a result, the present complaint has been given. This Court is of the view that invoking



the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is purely *mala fide* in nature. Therefore, considering the nature of allegations made against the petitioner and also the fact that the petitioner is only the relative of accused no.1, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. It is however made clear that the observations made in this petition will not be utilised by the petitioner either in the trial or in any application for quashing any application under Section 482 of Criminal Procedure Code. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the II Additional District Judge (PCR Cases), Tirunelveli and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

5.The petitioner 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/-
09/04/2018

/ TRUE COPY /

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

TO

- 1 THE II ADDITIONAL DISTRICT, JUDGE (PCR CASES),
TIRUNELVELI DISTRICT.
- 2 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION JUNCTION,
TIRUNELVELI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.5715

ORDER
IN
CRL OP (MD) No.5631 of 2018
Date : 09/04/2018