



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

Friday, the Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1569 of 2017

1 S.SHANMUGASUNDARAM
2 S.VASUKI
3 S.RAJESH

... PETITIONERS/ ACCUSED NO 1 TO 3.

Vs

1 STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
(CRIME NO.24 OF 2016)

2 RAJA PRIYANGA ... RESPONDENTS / COMPLAINANTS
(R2 IMPEADED AS PER ORDER OF THIS HON`BLE COURT MADE IN CRL.MP(MD).
1472/2017 IN CRL OP(MD).1569/2017 DT.17.02.2017 BY AMBAJ)

For Petitioners :MR.R.VENKATESAN, Advocate for RIGHT LAW ASSOCIATES

For Respondent 1 : Mr.A.ROBISON, Government Advocate(crl.Side)

For Respondent 2 : MR.BALAMURUGAPANDI Advocate

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 offences punishable under Section 498(A), 294(b) and 506(ii) of IPC, in Crime No.24 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is the wife of the first petitioner, the second petitioner is the mother of the first petitioner and the third petitioner is the brother of the first petitioner. It is alleged that due to the demand of more dowry made by the first petitioner and his family members, the de-facto complainant was driven out from her matrimonial home. Hence, the case has been registered against the accused persons.



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 that the petitioners did not commit any offence as alleged by the prosecution. Further, the defacto complainant filed a HMOP for the relief of divorce. Hence, he pleads for grant of anticipatory bail to the petitioners.

4. The learned counsel appearing for the second respondent submitted that the Sridhana properties were returned by the petitioners. He further added that on earlier occasion, this Court referred this case to Mediation for amicable settlement, since the non appearance of the first petitioner, Mediation could not be succeeded.

5. The learned Government Advocate (Crl.side) submitted that earlier this matter was referred to Mediation for amicable settlement between the parties. But, due to non-cooperation of the parties, Mediation could not be succeeded. He further added that the investigation is in progress.

6. The submissions made by the learned counsel on either side are considered. Admittedly, the first petitioner is the husband of the defacto complainant, the second and third petitioners are mother and brother of the first petitioner, respectively. Previously, in the year of 2016 itself, the same petitioners filed an anticipatory bail application before this Court and the same was dismissed. Subsequently, in one another proceedings, the dispute between the petitioners and the defacto complainant was referred to the Mediation for amicable settlement in which, according to the second respondent, the first petitioner did not appear before the Mediation and did not cooperate to settle the matter. However, both of them admitted, as of now, the Sridhana properties, which were given by the parents of the defacto complainant to the first petitioner was returned. More over, one another application for the relief of divorce, which was pending before the Sub Court, Ramanathapuram, was also dismissed for default. So, all surrounding circumstances show that only due to the inability on the part of the first petitioner, the dispute was not settled between the parties. However, with regard to the second and third petitioners, being the mother and brother of the first petitioner, custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the second and third petitioners alone. Accordingly, the second and third 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 on which the order copy is made ready, before the learned Judicial Magistrate No.I, Ramanathapuram, on condition that the petitioners 2 & 3 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 them or to the satisfaction of the learned Magistrate concerned and on further condition that:



(i) the petitioners 2 & 3 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 2 & 3 shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners 2 & 3 shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners 2 & 3 shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 & 3 in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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].

7. Insofar as the first petitioner is concerned, this Criminal Original Petition is dismissed.

sd/-
02/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.BALAMURUGAPANDI Advocate, SR.No.1844

ORDER
IN
CRL OP(MD) No.1569 of 2017
Date :02/02/2018

MS/CM-VR/SAR.2/07.02.2018/3P.6C