



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

Thursday, the Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.16125 of 2017

1 PAULRAJ
2 ARUL DALDAN MAURIAN ... PETITIONERS / ACCUSED Nos. 2,5

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, DINDIGUL,
DINDIGUL DISTRICT
(CRIME NO.32 OF 2017) ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.MANOCHARAN Advocate

For Respondent : Mr.K.S.DURAIPANDIAN, Additional Public Prosecutor

For Intervenor : Mr.K.K.SAMY, Advocate

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

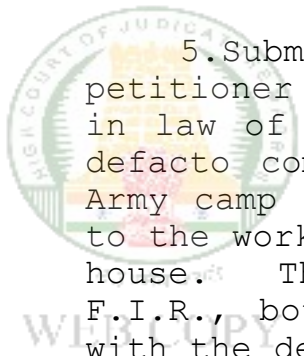
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 323, 498(A), 406, 506(i) of I.P.C and Section 4 of Dowry Prohibition Act, registered in Crime No.32 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 04.12.2016, the marriage was solemnized between the 1st accused with one Nathiya Jenifa. Both of them are living together in the matrimonial home. Now, the petitioners want more dowry from the defacto complainant and threatened her in dire consequences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. He further submitted that the first petitioner is a senior citizen and the second petitioner is working as police man. The 1st accused is working in CISF at Jargant. When the defacto complainant compelled the 1st accused to relieve from service, he refused to do so. Moreover, she has also refused to go with the 1st accused to the Jargant and lodged this complaint.

<https://hcservices.courtsgov.in/hcservices/>
4.The learned Additional Public Prosecutor submitted that investigation is still pending.



5.Submissions made on either side disclose that the 1st petitioner is the father in law and the 2nd petitioner is the brother in law of the defacto complainant. Admittedly, the husband of the defacto complainant is now working in CISF at Jargant, in Indian Army camp at Orissa. After completing their marriage, he went away to the working place leaving the defacto complainant in his father's house. Thereafter, on going through the averments made in the F.I.R., both petitioners herein are tried to have illegal contact with the defacto complainant.. Since the first petitioner aged about 58 years the story put forth by the defacto complainant wanted some thorough investigation. However, arresting the petitioners completely spoiled the chance of reunion between the defacto complainant and the first accused. In this case, before deciding the application, this Court is having the duty to bear in mind the case of **Arnesh Kumar Vs. State of Bihar and another in Crl.Appeal No.1277/2014**. Considering the verdict of the Supreme Court and considering the future aspects of the defacto complainant's family, this Court is inclined to grant anticipatory bail .

6.Taking all the above said aspects into consideration, and having regard to the nature of offence, **this Court comes to the conclusion that nothing has been recovered by way of custodial interrogation. Accordingly this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:-**

(i)The petitioners are granted anticipatory bail in the event of their arrest or on their surrender before the learned Judicial Magistrate No.III, Dindigul on or before 18.01.2018, failing which this petition dismissed automatically.

(ii)On such arrest or surrender, the petitioners are ordered to be enlarged on bail on their executing a bond for Rs.25,000/- with two sureties for like sum each to satisfaction of the learned Judicial Magistrate No.III, Dindigul.

(iii)The petitioners are directed to appear before the respondent Police daily at 10.00 a.m. for a period of four weeks.

(iv)The petitioners shall make himself available for interrogation as and when required by the Investigation Officer.

(v) 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/-

04/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, DINDIGUL,
DINDIGUL DISTRICT

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

+1. CC to Mr.K.K.SAMY Advocate SR.No.115

JAM/08/01/2018/CM-VR/ SAR 4/ 3P-6C

ORDER

IN

CRL OP(MD) No.16125 of 2017

Date :04/01/2018