



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

Thursday, the Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7515 of 2018

1 KANNA @ RAJA
2 SUDALAIMUTHU
3 KANNAMMAL
4 MUTHU KRISHNAVENI
5 GABRIEL

... PETITIONER/ACCUSED No.1 to 5

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI,
TIRUNELVELI DISTRICT.
(CRIME NO. 2 OF 2018)

... RESPONDENT/COMPLAINANT

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

For Respondent : Govt. Advocate (Crl. Side)

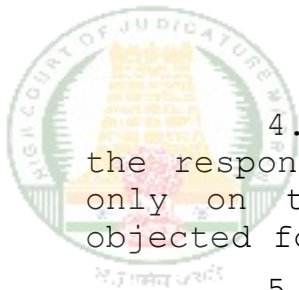
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(a), 323, 498(A), 406, 506(i) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.2 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners demanded dowry and attacked the de-facto complainant.

3.The learned counsel for the petitioners submitted that the first petitioner filed H.M.O.P.No.60 of 2018, against the de-facto complainant, on the file of the Family Court, Tirunelveli and the de-facto complainant entered appearance and the petitioner and the de-facto complainant went for counselling on 26.04.2018 and only afterwards, the de-facto complainant has come forward with the false case against the petitioner.



4. The learned Government Advocate (Crl. side) appearing for the respondent Police would submit that the case is registered only on the directions of the learned Judicial Magistrate and objected for grant of anticipatory bail.

5. Considering the facts and circumstances of the case that H.M.O.P. is pending and also taking note of the fact that since the occurrence took place only on 21.09.2016, there is no question of the de-facto complainant being an in-patient now, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court I, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the concerned Judicial Magistrate weekly once (ie., on Sundays) at 10.30 a.m. until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, 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/-

03/05/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TIRUNELVELI,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.P.M.VISHNUVARTHANAN, Advocate SR.No.8137

ORDER
IN
CRL OP(MD) No.7515 of 2018
Date :03/05/2018

PK/PMI/VK/07.05.2018 : 3P/6C