



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

Tuesday, the Fourth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.9494 of 2018

1 ARAVIND BALAJI,
2 M.RAJENDRAN,
3 AMUTHA,
4 ABIRAMI,
5 RAJESH KANNA,

... PETITIONERS/ACCUSED/RANK NOT KNOWN

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI CITY,
IN CR.NO.NOT KNOWN/18

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.T.SUGADEV Advocate

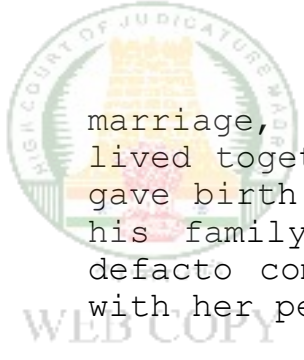
For Respondent : MR.A.ROBINSON,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 of I.P.C. and Section 4 of Dowry Prohibition Act, in crime No.not known of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the first petitioner herein. She married the first petitioner on 08.11.2009. At the time of marriage the first petitioner was presented with 5 sovereign gold and a sum of Rs.50,000/- was paid for the marriage expenses. After the



marriage, the first petitioner and the defacto complainant were lived together in the matrimonial home. Out of their wedlock, they gave birth to a female child. Thereafter, the first petitioner and his family members demanded dowry and hence, on 02.05.2016, the defacto complainant left the matrimonial home with the child along with her personal belongings. Therefore, the complaint.

3.The learned counsel appearing for the petitioners would submit that after the marriage, due to misunderstanding between the first petitioner and the defacto complainant, the defacto complainant herself went to her parents house and lodged a complaint before the All Women Police Station, Coimbatore and on the said complaint, enquiry was conducted and closed. Thereafter, the first petitioner filed divorce petition in H.M.O.P.No.387 of 2016 before the Family Court, Madurai and it is pending. After the receipt of notice from the said divorce petition, the defacto complainant filed a complaint under the domestic violence Act in D.V.A.No.3 of 2016 on the file of the Judicial Magistrate, Coimbatore and it is also pending. Therefore, the present complaint is nothing but to harass the petitioners and admittedly, the first petitioner and the defacto complainant separated for more than 5 years.

4.The learned Government Advocate (Criminal side) would submit that the investigation is pending.

5.The learned counsel appearing for the intervenor would submit that after the complaint, the first petitioner undertakes to written the jewels and household articles, which were presented during the marriage. Even after the undertaking dated 02.05.2016 before the Inspector of Police, All Women Police Station, Coimbatore District, he did not return the jewels and household articles as undertaken by him. He would further seeks direction, to direct the first petitioner to return the jewels and household articles, which were presented during the marriage and as such, he vehemently opposed the grant of anticipatory bail to the petitioners.

6.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Madurai and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners 2 to 6 shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.



7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

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sd/-
04/09/2018

/ TRUE COPY /

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

TO

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

+1. CC to MR.T.SUGADEV Advocate SR.No.16915

ORDER
IN
CRL OP(MD) No.9494 of 2018
Date :04/09/2018

MSI/VR-MMS/SAR-I/07.09.2018-2P/6C