



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

Tuesday, the Fourteenth day of August Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.14473 of 2018

1 VELAPPAN
2 DEVAPALAM

... PETITIONERS/ACCUSED No.5, 2

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI,
KANYAKUMARI DISTRICT,
IN CR NO. 1 OF 2018

... RESPONDENT/COMPLAINANT

For PetitionerS : MR.S.ALAGUSUNDAR, Advocate

For Respondent : MRS.M.ANANTHADEVI, Government Advocate (Crl.Side)

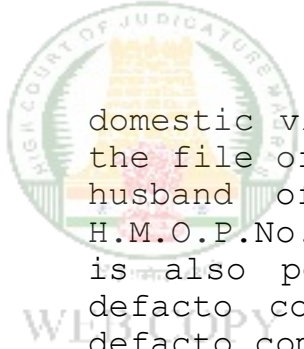
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A5 and A2 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 406, 498(A) and 506(ii) of I.P.C. and Section 4 of D.P.Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in crime No.1 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant Jegatha married the first accused, who is the son of the petitioners herein on 02.09.2013. While their marriage, the parents of the defacto complainant presented 25 sovereign of gold and household articles worth about Rs.1,50,000/-. The first accused namely the husband of the the defacto complainant is a driver. Thereafter, they lived together happily for six months. Due to the loan borrowed during the marriage, A1 and the petitioners herein along with the sister-in-law pledged the said jewels and thereafter, they did not redeem the same. Further, they also threatened her with dire consequences and she was driven out from the matrimonial home. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the defacto complainant already filed a complaint under



domestic violence Act in D.V.O.P.No.2 of 2018 and it is pending on the file of the Judicial Magistrate No.3, Nagercoil. A1, who is the husband of the defacto complainant filed divorce petition in H.M.O.P.No.7 of 2017 before the Subordinate Court, Nagercoil and it is also pending. The petitioners have nothing to do with the defacto complainant and they never demanded any dowry from the defacto complainant.

4.The learned Additional Public Prosecutor would submit that the investigation is pending and it is a matrimonial dispute.

5.It is seen from the FIR that only during the marriage, the family of the defacto complainant presented 25 sovereign of gold and household articles worth about Rs.1,50,000/- to the first accused viz., the son of the petitioners herein. Thereafter, the petitioners did not demand any dowry from the defacto complainant and other allegations are usual allegations.

6.Considering the facts and circumstances of the case, 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.3, Nagercoil and on each of them 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 shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, 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.

sd/-
14/08/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL

<https://hcservices.ecourts.gov.in/hcservices/>
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL



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

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

+1. CC to MR.S.ALAGUSUNDAR, Advocate SR.No.15577

ORDER
IN
CRL OP(MD) No.14473 of 2018
Date :14/08/2018

PK/JC/SAR-1/21.08.2018 : 3P/6C