



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/09/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.10560 of 2019

1.C.Saroja

2.Helan Selvi @ Silvi

... Petitioners/Accused No.1 & 3

Vs

The state rep.by,
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
In Crime No.34/2019

... Respondent/Defacto Complainant

For Petitioners : M/s.C.Muthu Saravanan,
Advocate.

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

For Intervener : Mr.Niranjan S.Kumar
Advocate

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

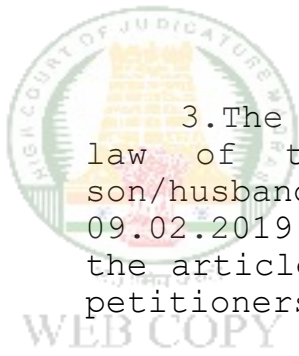
PRAYER :-

For Anticipatory Bail in Crime No. 34 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences under sections 498(A) and 406 of I.P.C. and Sections 3, 4 and 6 of Dowry Prohibition Act, in Crime No.34 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioner, learned counsel appearing for the intervener and learned Government Advocate (Crl. Side) appearing for the respondent.



3.The defacto complainant is none other than the daughter-in-law of the first petitioner herein. The first petitioner's son/husband of the defacto complainant died in an accident on 09.02.2019. The defacto complainant has levelled a allegation that the articles that belong to her are being illegally retained by the petitioners herein.

4.The learned counsel appearing for the petitioners states that a sum of Rs.11,00,000/- was due from the college management and the same has been returned to the defacto complainant and that the petitioners herein will not raise any claim regarding that. The said submission placed by the petitioners' counsel on instructions is placed on record.

5.He would further point out that the jewellery belonging to the defacto complainant was pledged by their son/husband of the defacto complainant prior to his death with Muthoot Finance Limited and that defacto complainant has been shown as nominee. The petitioners' counsel states that he is not retaining any of the articles belonging to the defacto complainant. I am of the view that while hearing an anticipatory bail petition, it is not possible for me to enquire into this matter beyond a point. So the only question that arises for consideration is whether the petitioners' custodial interrogation is required or not. I am satisfied that the petitioners' custodial interrogation is not required. Hence, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Padmanabhapuram, and on their executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6.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/-
06/09/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, PADMANABHAPURAM

2. DO-TROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.

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

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

+1. CC to M/S.C.MUTHU SARAVANAN Advocate SR.No.15000

+1. CC to M/S.NIRANJAN S.KUMAR Advocate SR.No.15111

ORDER

IN

CRL OP(MD) No.10560 of 2019

Date : 06/09/2019

IAS

PK/JC/SAR-2/13.09.2019 : 3P/7C