



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

Tuesday, the Twelfth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11414 of 2016

SURESH

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE,
SAMAYANALLUR ALL WOMEN POLICE STATION,
IN CRIME NO.12/2016,
MADURAI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.SUBASH BABU Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

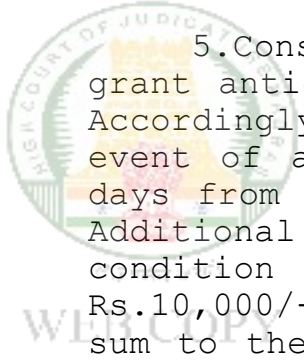
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 294(b), 506(i) of IPC and Section 4 of Woman Harassment Act, in Crime No.12 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife and the defacto complainant gave a complaint before the respondent police stating that the petitioner demanded dowry.

3.The learned counsel for the petitioner submitted that the petitioner filed divorce petition in H.M.O.P.No.29 of 2015 before the Additional Mahila Court, Madurai, which is pending and the petitioner did not demand any dowry from the defacto complainant and he is innocent and he has not involved in any of the offences.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that investigation is pending and if the accused is released on anticipatory bail, it will affect the investigation and hence, he prayed for dismissal of this petition. Earlier the petitioner filed a petition for anticipatory bail in Crl.O.P(MD) No.6147 of 2016 and the same was dismissed on 18.04.2016.



5. Considering the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court (Judicial Magistrate Level) Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
12/07/2016

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

TO

- 1 THE ADDITIONAL MAHILA COURT(JUDICIAL MAGISTRATE LEVEL), MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SAMAYANALLUR ALL WOMEN POLICE STATION, MADURAI DISTRICT.



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

+1. CC to M/S M.SUBASH BABU Advocate SR.No.36131

ORDER

IN

CRL OP(MD) No.11414 of 2016

Date :12/07/2016

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SDRR/ARK-PV/SAR III/15.07.2016/3P/6C