



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

Tuesday, the Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13545 of 2016

RAJESH

... PETITIONER/1ST ACCUSED

Vs

THE STATE REP.BY ITS THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, COLACHEL,
KANYAKUMARI DISTRICT.CRIME NO.11 OF 2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.S.JEYAKARTHIK 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 :-

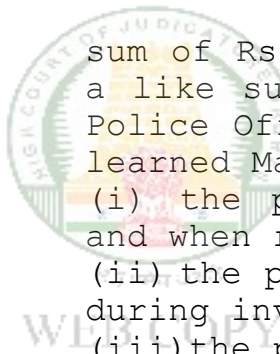
The petitioner, who are arrayed as accused No.1, apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 498(a), 406 IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime No.11 of 2016, on the file of the respondent Police and hence, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the de facto complainant and the 1st accused was solemnized on 27.05.2011 and the accused along with other accused persons have demanded additional dowry and harassed the de facto complainant. On complaint, case has been registered.

3.The case of the petitioners is that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and prays for anticipatory bail in favour of the petitioner. Further, the co-accused have already granted anticipatory bail by this Court in Crl.O.P(MD).No.12827 of 2016, dated 26.07.2016.

4.It is submitted by the learned Government Advocate (Crl.Side) that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already granted anticipatory bail by this Court in Crl.O.P(MD).No.12827 of 2016, dated 26.07.2016, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he is 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 learned Judicial Magistrate, Eraniel, 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 as and when required.

(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 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]**.

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/-

02/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ERANIAL.
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, COLACHEL, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

JA-SKS-RR/SAR.I/05.08.16/2P:5C

ORDER

IN

CRL OP(MD) No.13545 of 2016

Date :02/08/2016