



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13610 of 2016

K.FAYAZ MOHAN

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, TALLUKULAM,
MADURAI.

(CRIME NO.17 OF 2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S. M.SANKAR Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

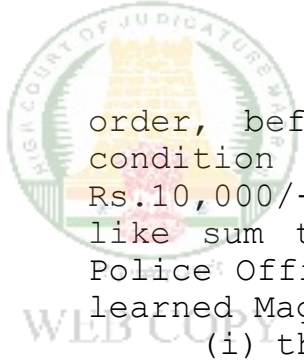
The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 506(ii) IPC, in Crime No.17 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the de facto complainant and the petitioner was solemnized before 15 years. At the time of marriage, the parents of the de facto complainant gave 50 sovereigns of gold jewels as dowry. After the marriage, the petitioner in drunken mood harassed the de facto complainant demanding to get property from her parents. He also threatened her and her family members with dire consequences by showing knife on several times. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. Due to misunderstanding between the petitioner and de facto complainant, she deserted the petitioner and voluntarily left the matrimonial home.

4.The learned Government Advocate (Criminal side) submitted that on the complaint given by the de facto complainant, a case has been registered and investigation is pending.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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 No.II, Madurai, on condition that the petitioner shall execute 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 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 10.00 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/-

03/08/2016

/ 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-THRO'THE CHIEF JUDICIAL MAGISTRATE,MADURAI.

3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, TALLUKULAM,
MADURAI.

+1. CC to M/S. M.SANKAR Advocate SR.No.41489

ORDER IN

CRL OP(MD) No.13610 of 2016

Date :03/08/2016

PBK/AAL-MPA/SAR-I 05/08/2016 ::2P-6C::