



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.14396 of 2016

K.SELVAM

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT
(CRIME NO.3 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.MURUGAN Advocate
For Respondent : M/S.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 Accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498-A, 494, 294(b) and 506(i) read with Section 109 I.P.C., in Crime No.3 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner and the *de-facto* complainant was solemnized on 06.06.2013. At the time of marriage, the parents of the *de-facto* complainant gave 20 sovereigns of gold jewels and household articles worth about Rs.1,00,000/- to the *de-facto* complainant and a Hero Honda Motorcycle and five sovereigns of gold jewels to the petitioner. A male child was born in the wedlock. Due to illicit intimacy with another lady, the petitioner tortured the *de-facto* complainant demanding additional dowry. On complaint, a case has been registered for the offences stated above.

3. The case of the petitioner is that he is an innocent person and he has not committed any offence. He went to Tuticorin on his work and a false complaint has been given against him.

4. The learned counsel for the petitioner submitted that both the petitioner and the *de-facto* complainant compromised the matter and both are living together.

5. The learned Government Advocate (Criminal side) submitted that investigation is completed and absconding charge sheet has been filed and the same is yet to be taken on file.

6. Today, when the matter is taken up for hearing, the petitioner and the *de-facto* complainant are present before this Court and they expressed their willingness for living together in the matrimonial home.



7. Considering the facts and circumstances of the case and also considering the fact that the petitioner and the *de-facto* complainant are living together, 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.I, Ramanathapuram, 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 appear before the Trial Court in all future hearings without fail;
- (ii) the petitioner shall not tamper with the evidence or witness either during investigation or trial; and
- (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]**.

8. 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/-
17/08/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM
2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT
3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT
+1. CC to M/S.R.MURUGAN Advocate SR.No.45147
RL/6C/2P/DB/SARI/19/8/2016

ORDER
IN
CRL OP(MD) No.14396 of 2016
Date :17/08/2016