



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen

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PRESENT

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

CRL OP(MD) No.14964 of 2016

SANKAR SABARI

... PETITIONER/ACCUSED No.1

Vs

STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO. 8 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.HARIHARAN Advocate

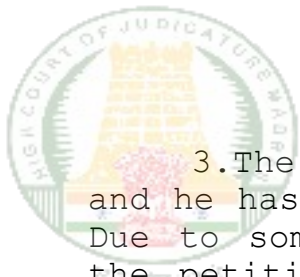
For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police, for the alleged offences punishable under Sections 498(A), 294(b), 506(i) IPC and Sections 4 of TNPHW Act and Section 4 of TP Act, in Crime No.8 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 petitioner and the defacto complainant was solemnized on 14.07.2013. At the time of marriage, 10 sovereigns of gold jewels and household articles were given as dowry. The petitioner and the defacto complainant were living together happily for six months. A male child was born in the wedlock. The petitioner was a spendthrift and he was addicted to alcohol and after consuming liquor, he tortured the defacto complainant along with her in-laws and demanded additional dowry. The defacto complainant has given a complaint on 23.06.2015, before the respondent police and on the advice of the elders, she withdrew the complaint on 06.11.2015 and after that they were living together. Subsequently, the petitioner along with other accused persons tortured the defacto complainant demanding 10 sovereigns of gold jewels and cash Rs.2,00,000/- and thrown out her from the matrimonial home. On complaint, case has been registered.



3.The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Due to some difference of opinion, the defacto complainant wanted the petitioner to live along with her parents. Due to the mental cruelty given by the defacto complainant, the petitioner filed H.M.O.P.No.23 of 2016, for divorce, before the Family Court, Dindigul. On 24.03.2016, the defacto complainant appeared before the Family Court and expressed her willingness to live together and the matter was referred to ADR Centre for mediation and before mediation, she expressed her unwillingness to live with the petitioner and she also prayed for divorce. Subsequently, the defacto complainant has given a false complaint before the respondent police against the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that on receiving the complaint, a case has been registered and the investigation is pending.

5.Considering the nature of allegation made against the petitioner and the pendency of H.M.O.P.No.23 of 2015 filed by the petitioner, for divorce, this Court is inclined to enlarge the petitioner on anticipatory bail with certain conditions. Accordingly, the petitioner ordered to be released on bail in the event of arrest or on her 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, Dindigul, 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.

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sd/-
17/08/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
DINDIGUL
 - 2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT
 - 3 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, DINDIGUL DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.HARIHARAN Advocate SR.No.45081

ORDER
IN
CRL OP(MD) No.14964 of 2016
Date :17/08/2016

PJL
SH/DB/SAR-I:22.08.2016:3P/6C