



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

Thursday, the First day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.16281 of 2016

M.P.KARTHICK

... PETITIONER/SOLE ACCUSED

Vs

STATE THROUGH THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION, THENI, .

CR. NO. 9 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.ARAVINDRAJ 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 sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 498(A) IPC and Section 4 of Dowry Prohibition Act, in Crime No.9 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

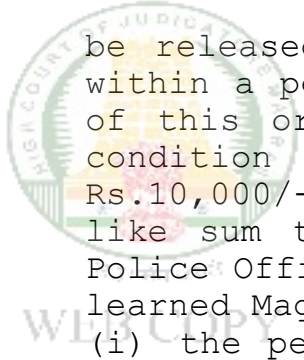
2.The case of the prosecution is that the marriage between the petitioner and defacto complainant was solemnized on 07.11.2011. In the wedlock, a male child was born. From the date of marriage, the petitioner alleged to have harassed the defacto complainant in a liquor state of mind and tortured her. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.Heard the learned Government Advocate (Criminal side) appearing for the respondent.

5.This Court by an order dated 05.04.2016 granted anticipatory bail to the petitioner in Crl.O.P(MD)No.5865 of 2016 with certain conditions. But, the petitioner did not execute the sureties in time and now, the petitioner has filed this petition on the ground that his mother suffered from severe paralyze and he has to look after her, he was unable to execute the sureties in time.

6.Considering the facts and circumstances of the case and also considering the fact that this Court has already granted anticipatory bail to the petitioner in Crl.O.P(MD)No.5865 of 2016, 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, Theni, 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]**.

7.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/-

01/09/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THENI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THENI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S R.ARAVINDRAJ Advocate SR.No. 49847

JA-SKS-RR/SAR.I/6.9.2016-2P:6C

ORDER IN
CRL OP(MD) No.16281 of 2016
Date :01/09/2016