



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

Thursday, the Third day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20924 of 2016

RAMKUMAR

... PETITIONER/ACCUSED NO.I

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT,
CRIME NO.90 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.V.ARUN Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A) & 406 of I.P.C in Crime No.90 of 2016 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that the marriage between the defacto complainant and the petitioner/A1 was solemnized on 01.06.2014 and due to wed-lock, they got one female child. Thereafter, some family dispute arose between the couple. Hence, the present complaint has been lodged.

4.It is submitted by the learned counsel for the petitioner that due to misunderstanding between the petitioner and the defacto complainant, the petitioner filed H.M.O.P.No.290 of 2016 in the month of August, 2016, seeking divorce. Therefore, a false complaint has been given by the defacto complainant on 18.10.2016. He further submitted that the petitioner is an innocent person and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.

husband of the defacto complainant.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is the husband of the defacto complainant and he has already filed a petition for divorce in H.M.O.P.No.290 of 2016, I am inclined to grant anticipatory bail to the petitioner. 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, Melur, Madurai District, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

sd/-

03/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,MELUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,MELUR, MADURAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.V.ARUN Advocate SR.No.65443
CSL/CK/SAR-I/09.11.2016: 2P/6C

ORDER

IN

CRL OP(MD) No.20924 of 2016

Date :03/11/2016