



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

Monday, the Twenty Eighth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22511 of 2016

AJAYKUMAR

... PETITIONER/1st ACCUSED

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE
ALL WOMENS POLICE STATION,
VALLIOOR,
TIRUNELVELI DISTRICT
CRIME NO.13 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.SUSIKUMAR 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 :-

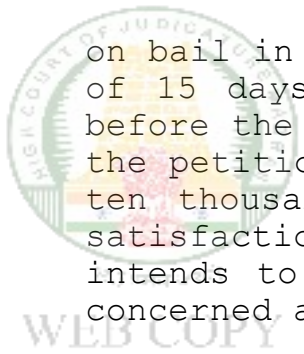
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 498-A and 406 IPC and Section 4 of TNPHW Act in Crime No.13 of 2016 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused and the de facto complainant are husband and wife. The petitioner along with other accused demanded additional dowry from the de facto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that a petition in H.M.O.P.No.137 of 2016 before the Principal Sub Court, Nagercoil for restitution of conjugal rights was filed by the petitioner.

4.The learned Government Advocate (Crl.side) submitted that after filing of the above said H.M.O.P., the present complaint has been preferred. She further submitted that investigation is pending.

5.Considering the facts and circumstances of the case and <https://hcdvcs.ecourts.gov.in/services/> in view of the fact that it is a case of matrimonial dispute, 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Valliyoor, 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 daily at 10.30 a.m. until further orders.

[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/-
28/11/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE , VALLIYOOR, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMENS POLICE STATION, VALLIOOR, TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.SUSIKUMAR Advocate SR.No.74211
NB
CSL/CK/SAR-I/09.12.2016: 2P/6C

ORDER
IN
CRL OP(MD) No.22511 of 2016
Date :28/11/2016