



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

Friday, the First day of July Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.6492 of 2016

WEB COPY

S. KUMAR

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY
THE INSPECOR OF POLICE
ALL WOMEN POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT,
CR NO. 7 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S B.SENTHILKUMAR Advocate

For Respondent : MR.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 Accused No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.7 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 de facto complainant and the petitioner was solemnized on 12.02.2014. After the marriage, the petitioner along with other accused harassed her demanding more dowry. 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. After marriage both the petitioner and de facto complainant were living separately. Due to mental torture made by the de facto complainant, the petitioner filed H.M.O.P.No.130 of 2015 on the file of the Sub Court, Ramanathapuram against the de facto complainant for divorce. On receiving notice from the Sub Court, Ramanathapuram, the de facto complainant has given a false complaint and the earlier complaint given by the de facto complainant was enquired into and subsequently closed.

4.The learned Government Advocate (Criminal side) submitted that already investigation has been completed and charge sheet has been filed on 17.03.2016, before the learned Judicial Magistrate No.I, Ramanathapuram.

5.Considering the facts and circumstances of the case and also considering the fact that investigation has been completed and charge sheet has been filed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner



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 report before the respondent Police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required for interrogation;
- (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.

sd/-

01/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, RAMANATHAPURAM.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE INSPECOR OF POLICE, ALL WOMEN POLICE STATION,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S B.SENTHILKUMAR Advocate SR.No.34412

ORDER

IN

CRL OP(MD) No.6492 of 2016

Date :01/07/2016

PA/NGM-MP/SAR III/06.07.2016/2P/6C