



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

Friday, the Eleventh day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10534 of 2017

SAKTHIVEL

... PETITIONER/ ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PATTUKOTTAI,
THANJAVUR DISTRICT.
(CRIME NO.5 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.SENTHIL KUMARAIAH Advocate

For Respondent : M/S.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

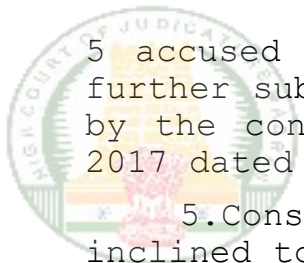
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 498(A), 406 and 506 (ii) r/w 109 of IPC and Section 4 of Dowry Prohibition Act in Crime No.5 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de facto complainant are husband and wife and due demand of a sum of Rs.20 lakhs as additional dowry, the petitioner along with other accused tortured the de facto complainant physically and mentally.

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 the petitioner is working as Assistant Professor (Selection Grade) in the Department of Aeronautical Engineering in Hindustan University, Chennai and the alleged demand of additional dowry is not true. He also submitted that the de facto complainant filed a petition for divorce before the Sub Court, Pattukkottai in H.M.O.P.No.52 of 2016 and obtained exparte decree and the petitioner also filed a petition for setting aside the exparte decree and the same is pending before concerned Court and the de facto complainant has not raised the ground of demand of additional dowry in her divorce petition.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are



5 accused and the petitioner is arrayed as A1 in this case. He further submitted that the co-accused were granted anticipatory bail by the concerned Sessions Judge as per order in Cr.M.P.No.2117 of 2017 dated 28.07.2017 and the investigation is still pending.

5. Considering the facts and circumstances of the case, 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, Pattukottai 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 weekly once on Saturday 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/-

11/08/2017

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

TO

1. THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
PATTUKOTTAI, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.SENTHIL KUMARAIAH Advocate SR.No.28694

ORDER IN
CRL OP(MD) No.10534 of 2017
Date : 11/08/2017