



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

Tuesday, the Tenth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6749 of 2017

P.KARTHIKEYAN

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT
CRIME NO.10 OF 2017

... RESPONDENT) / COMPLAINANT

SHENBAGALAKSHMI

... PETITIONER / INTERVENOR

For Petitioner : Mr.Narayanan, Advocate for
M/S.T.BANUMATHY Advocate

For Respondent : Mr.K.Anbarasan, Govt. Advocate (Crl. Side)

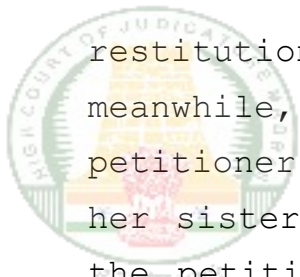
For Intervenor : Mr.S.T.Sasidharan Tamilkani, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused in Crime No.10 of 2017, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 294(b) of IPC, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and the petitioner was solemnized on 16.09.2005. Out of the wedlock, they blessed with two children. In the year 2016, due to some family dispute, the defacto complainant had gone to her parental home and she gave a complaint against the petitioner. On enquiry, the petitioner expressed his willingness to compromise with her. Since the defacto complainant did not turn up to the matrimonial home, the petitioner filed a petition in HMOP.No.37 of 2017 before the Principal Sub Court, Trichy for



restitution of conjugal rights and the same is pending. In the meanwhile, the father of the defacto complainant called the petitioner for compromise, at that time, the defacto complainant and her sister's husband tried to kill the petitioner. In this regard, the petitioner made a complaint against them. As a counter blast, the defacto complainant had given the present complaint and based on the compliant, the case has been registered for the above said offences.

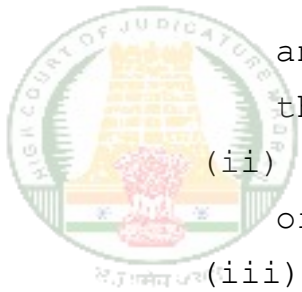
3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The case in HMOP.No.37 of 2017, filed by the petitioner for restitution of conjugal rights itself shows his bonafide to join with the defacto complainant.

4. The learned counsel appearing for the intervenor would submit that the petitioner harassed the defacto complainant by demanding dowry to continue the matrimonial life. Hence, except no other option, the defacto complainant lodged the compliant against the petitioner.

5. The learned Government Advocate (Criminal side) appearing for the respondent submitted that the investigation is still pending.

6.Considering the facts and circumstances of the case and also considering the fact that the case for restitution of conjugal rights is pending, I am 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, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 investigation officer, daily between 10.00 a.m.



and 11.00 a.m., for a period of three weeks and thereafter as and when required;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioner shall not commit any offence while on bail;

(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 and the anticipatory bail granted stands cancelled automatically.

sd/-

10/10/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.T.BANUMATHY Advocate SR.No.32406

ORDER

IN

CRL OP(MD) No.6749 of 2017

Date :10/10/2017

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