



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.467 of 2018

MATHIYALAGAN,

... PETITIONER/ACCUSED NO.1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.
(CR.NO.19/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SENTHIL Advocate

For Respondent : M/S.S.BHARATHI Government Advocate (Cr1. 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 Tamil Nadu Dowry Prohibition Act in Crime No.19 of 2015 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is the husband of the de facto complainant and he demanded more money as additional dowry. Therefore, the present complaint has been registered.

3.The learned counsel appearing 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 has not committed any offence as alleged by the prosecution and he is no way connected with the offences and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Cr1.side) submitted that investigation is completed and charge sheet has been filed in C.C.No.11 of 2017 before the learned Judicial Magistrate Court,



5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences punishable under Sections 498 (A) and 406 IPC and Section 4 of Tamil Nadu Dowry Prohibition Act. As per the submissions of the learned Government Advocate (Crl.side), as of now, investigation is completed and charge sheet has been filed in C.C.No.11 of 2017 before the learned Judicial Magistrate Court, Sivagangai. Therefore, custodial interrogation is not necessary for process of trial. Further more, the de facto complainant is nothing but the wife of the petitioner. Accordingly, there is no chance to tamper the evidence and hamper the investigation.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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, Sivagangai, on condition that each of 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 learned Judicial Magistrate, Sivagangai daily at 10.30 a.m. until further orders.

(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 anticipatory bail granted to the petitioner shall stand automatically cancelled and 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/-
10/01/2018

/ TRUE COPY /

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



gns/smn2
TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGANGAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SENTHIL Advocate SR.No.532

GJM/CM/VR/SAR-I-17.1.18-3P-6C

ORDER
IN
CRL OP (MD) No.467 of 2018
Date :10/01/2018