



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

Monday, the Twenty Second day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.814 of 2018

VENKATESH

... PETITIONER/ 1st ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.
(CRIME NO. 7/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.SASI KUMAR, Advocate for
M/S.M.MICHAEL BHARATHI, Advocate

For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

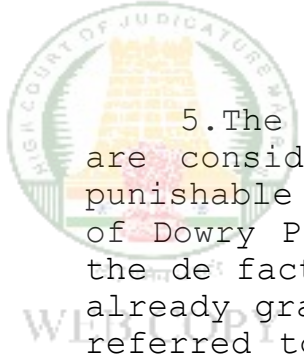
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 498(A), 294(b), 506(i) IPC and Section 4 of Dowry Prohibition Act in Crime No.7 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute between the first petitioner and the de facto complainant, the petitioner along with other accused have harassed her and hence, the present complaint.

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 the petitioner filed an application in H.M.O.P No.154 of 2017 for the relief of divorce. Now the same was pending before the Family Court, Trichirappalli. He also 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 (Crl.side) submitted that the investigation is still pending.



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), 294(b), 506(i) IPC and Section 4 of Dowry Prohibition Act. The petitioner herein is the husband of the de facto complainant. The other accused, who are in-laws, have already granted with anticipatory bail. Thereafter, the matter was referred to mediation for amicable settlement. Unfortunately, the dispute could not be settled before the mediation. As of now, the petitioner herein filed an application in H.M.O.P No.154 of 2017 for the relief of divorce. Now the same was pending before the Family Court, Trichirappalli. Considering the above facts, it clearly revealed that there is no chance for re-union. However, considering the relationship between the de facto complainant and the petitioner, there is no chance to tamper the witnesses 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 No.I, Kovilpatti, 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 respondent Police daily at 10.00 a.m. until further orders.

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

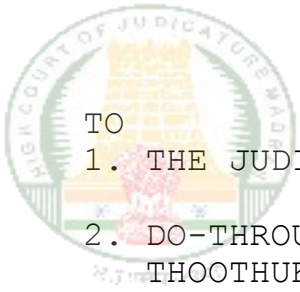
(iii) the petitioner shall not abscond either during investigation or trial.

(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/-

22/01/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.V.SASI KUMAR, Advocate, SR.No.1053

ORDER

IN

CRL OP(MD) No.814 of 2018

Date :22/01/2018

MS/PM-PN/SAR.1/25.01.2018/3P.6C