



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

Wednesday, the Twelfth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21944 of 2018

MOHAMED ALI JINNA

... PETITIONER /1st ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARUPPUKKOTTAI,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 15 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.A.AJMALKHAN Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 22.11.2018 for the offence punishable under Sections 498(A), 307, 506(i) IPC and Section 4 of Dowry Prohibition Act 1961 in Crime No.15 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that marriage between the petitioner and the defacto complainant solemnized on 24.01.2016. Due to some dispute, the defacto complainant lodged a complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the only son for his mother and she is suffering from mental disorder and the defacto complainant was not co-operate with the petitioner to take care of his mother and left the matrimonial home and lodged a complaint. Based on the complaint, the respondent police arrested the petitioner, who is working as a teacher in a Government School.

4.The learned Additional Public Prosecutor for the respondent submitted that the investigation is pending.



5. Though in the FIR is having offence under Section 307 IPC, there is no medical records to correspond the allegation for Section 307 IPC.

6. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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 learned Judicial Magistrate, Aruppukkottai and on further condition that:

[a] the petitioner shall report before the respondent police as and when required.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

12/12/2018

/ TRUE COPY /

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

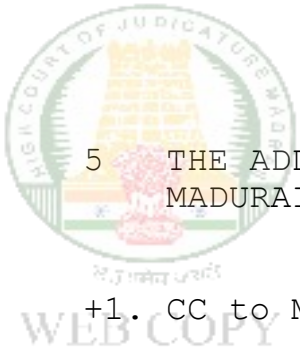
TO

1 THE JUDICIAL MAGISTRATE
ARUUPPUKKOTTAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUUPPUKKOTTAI,
VIRUDHUNAGAR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.



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

+1. CC to MR.S.A.AJMALKHAN Advocate SR.No. 23105

ORDER

IN

CRL OP (MD) No.21944 of 2018

Date :12/12/2018

MSI/VR-MMS/SAR-I/12.12.2018-3P/7C