



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

Wednesday, the Twenty Fifth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.12797 of 2018

IRVIN MELTO

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
IN CRIME NO.28 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.SURI, Advocate
For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1. He was arrested and remanded to judicial custody on 11.07.2018 for the offences punishable under Section 498(A), 406, 506(i) of IPC and under Sections 4 & 6 of Dowry Prohibition Act, 1961 in Crime No.28 of 2018, on the file of the respondent police. He seeks bail.

2.The defacto complainant married one Sameer and the said marriage was dissolved in the year 2013. Thereafter, through Tamil Matrimony the defacto complainant got in touch to the petitioner herein and the present marriage was solemnized on 14.12.2017. It appears that the said second marriage also failed. Therefore, she gave the present complaint and that has led to the registration of FIR in Crime No.28 of 2018 and the consequent arrest of the petitioner herein. This court is of the view that the continued incarceration of the petitioner is not going to serve any purpose.

3.Taking into account the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) 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 learned Additional Mahila Court (Judicial Magistrate), Nagercoil, Kanyakumari District.



(ii)the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii)on breach of any of the aforesaid conditions, the 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 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/-
25/07/2018

/ TRUE COPY /

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

TO

1. THE JUDGE,
ADDITIONAL MAHILA COURT (JUDICIAL MAGISTRATE),
NAGERCOIL, KANYAKUMARI DISTRICT.
2. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
NAGERCOIL, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.SURI Advocate SR.No.13957

ORDER
IN
CRL OP (MD) No.12797 of 2018
Date :25/07/2018

MS/VR/SAR-1/25.07.2018/2P.6C