



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

Thursday, the Sixteenth day of August Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.14466 of 2018

RICHARD CHRISTOPHER

... PETITIONER / 1st ACCUSED

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.
(CRIME.NO.22/2018)

... RESPONDENT / DEFACTO COMPLAINANT

For Petitioner : Mr.K.S.ARUMUGAM Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Govt. Advocate (Crl. Side)

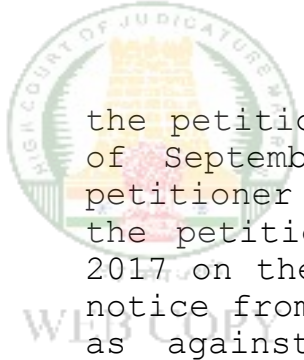
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A1 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498 A, 406 IPC r/w Section 4 and 6 of Dowry Prohibition Act, in Crime No.22 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 21.04.2017, the marriage was solemnized between the defacto complainant and the petitioner/first accused. During the marriage, the defacto complainant's parents gave 121 sovereign jewel and presented household articles worth about Rs.8,00,000/- and spent a sum of Rs.45,00,000/- towards marriage expenses. The petitioner / first accused is the husband of the defacto complainant and he is working in U.S.A. Due to misunderstanding, the petitioner was driven out from U.S.A. to India. Thereafter, the petitioner and others harassed the defato complainant by demanding dowry. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that after the marriage, both were living together as husband and wife in the matrimonial home for 23 days. A female child was born in the wedlock. Due to the torture given by the defacto complainat,



the petitioner lodged a complaint in U.S.A. Thereafter, on 1st week of September, 2017, the defacto complainant was taken by the petitioner to India. Due to misunderstanding between themselves, the petitioner filed a petition for divorce in H.M.O.P.No.3223 of 2017 on the file of IV Family Court, Chennai. After receipt of the notice from the family Court, the present complaint has been foisted as against the petitioner and his family members. In fact, thereafter, she filed a transfer petition in Tr.C.M.P.No.9099 of 2017 before this Court and this Court allowed the same and transferred the H.M.O.P.No.3223 of 2017 to the second Additional Family Court, Nagercoil and further directed the Family Court to dispose the divorce petition within a period of four months. The learned counsel for the petitioner further submitted that the petitioner undertakes to co-operate with the investigation.

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

5.It is seen that the petitioner filed a petition in H.M.O.P.3223 of 2017 for divorce, which is pending before the second Additional Family Court, Nagercoil. Further, this Court granted anticipatory bail to the in-laws of the petitioners in CrI.O.P.(MD) No.12496 of 2018, in which, this Court imposed a condition that the in-laws are directed to pay a sum of Rs.10,000/- per month to the defacto complainant.

6.This Court directs the petitioner to pay another sum of Rs.10,000/- (Rupees Ten Thousand only) added to the earlier condition to the defacto complainant on every month and the said amount shall be paid on or before 10th day of every month. This condition shall be commenced from September 2018 onwards. It is also made clear that this condition is made subject to the out come of the divorce petition in H.M.O.P.No.3223 of 2017, which is pending on the file of the second Additional Family Court, Nagercoil.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance before the learned Additional Judicial Magistrate, Mahilla Court, Nagercoil and on his 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy



made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

16/08/2018

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

RMI

TO

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

+1. CC to M/S.K.S.ARUMUGAM Advocate SR.No.15641

PS/VR/MMS/SAR-2;24/08/2018:3P/6C

ORDER

IN

CRL OP(MD) No.14466 of 2018

Date :16/08/2018