



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

Friday, the Twenty First day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22411 of 2018

A.ASHIK, ... PETITIONER / ACCUSED No.1

Vs

1.THE COMMISSIONER OF POLICE,
MADURAI CITY, MADURAI.

2.THE ASSISTANT COMMISSIONER OF POLICE,
DOWRY PROHIBITION,
MADURAI CITY.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI SOUTH, MADURAI CITY.
(CRIME NO.12 OF 2018)

... RESPONDENT / COMPLAINANT

M.MUBARAK AHMAD ... INTERVENER/DEFACTO COMPLAINANT
IN CRL MP(MD).10710/2018 IN CRL OP(MD).NO.22411/18

For Petitioner : MR. MATHEW MOSES Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)

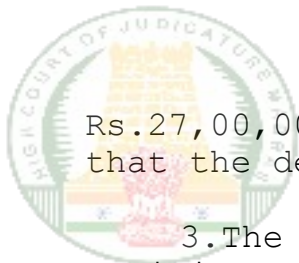
For Intervenor : M/S.M.ANBARASI

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 498(A), 406 , 354(c), 506(i) I.P.C and Section 4 of Dowry Prohibition Act and 66A of IT Act in Crime No.12 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife respectively. It is alleged that the petitioner along with other accused demanded and took 120 sovereigns of gold jewels and cash to the tune of



Rs.27,00,000/- from the defacto complainant. It is also alleged that the defacto complainant was ill-treated by the petitioner.

3.The learned counsel for the petitioner submits that the petitioner is innocent, he had nothing with the alleged crime and a false case has been foisted against him. He would submit that the matrimonial dispute between the husband and wife has been given a criminal colour. On 20.12.2018, an understanding was arrived at between the petitioner and defacto complainant, which has been documented and produced before this Court. Hence, he prayed that anticipatory bail may be granted to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that in this case, a settlement talk is going on among the family members of both families.

5.Considering the fact that a settlement talk is going on among the family members of the petitioner and defacto complainant and there are some more conditions to be complied with in settlement talk, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:-

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Additional Mahila Court (Judicial Magistrate Level), Madurai and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police daily at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] 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]**.



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/12/2018

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/ TRUE COPY /

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

TO

1. THE ADDITIONAL MAHILA COURT,
JUDICIAL MAGISTRATE LEVEL,
MADURAI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE COMMISSIONER OF POLICE,
MADURAI CITY.
4. THE ASSISTANT COMMISSIONER OF POLICE,
DOWRY PROHIBITION, MADURAI CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

- +1. CC to Mr. MATHEW MOSES Advocate SR.No.23984
+1. CC to M/s.M.ANBARASI, Advocate SR.No.23917

ORDER
IN
CRL OP(MD) No.22411 of 2018
Date : 21/12/2018

AE/PN-AC/SAR3/28.12.2018/3P/8C