



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

Thursday, the Twentieth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22526 of 2018

A. THOMAS RAJA NADAR

... PETITIONER / ACCUSED No.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
Crime No.50 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.J.KARTHICK Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

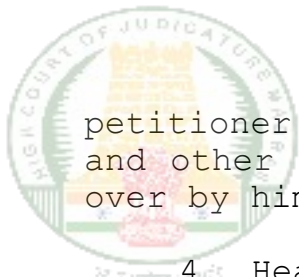
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 506 (ii) of I.P.C. and Section 4 of Dowry Prohibition Act, 1961, in Crime No.50 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of the petitioner. The accused No.2 and 3 are the father and mother of the petitioner. The marriage between the petitioner and the defacto complainant was solemnized on 04.11.2016. At the time of marriage cash of Rs.2,00,000/- and 45 sovereigns of jewels and household articles worth were given as Dowry. The petitioner is working as a Finance Officer, Fly Dubai Airlines. The petitioner did not consummate with the defacto complainant. It is alleged that the petitioner had love affair with one Ninin Kasim, who is a divorcee and taking care of her family. It is alleged that the accused No.2 and 3 had demanded 5 sovereigns of jewels as balance Dowry. It is also alleged that the accused persons harassed the complainant. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the



petitioner is employed in Dubai and he undertakes that the Seetha and other articles belong to the defacto complainant will be handed over by him.

4. Heard the learned Government Advocate (Criminal Side) for the respondent.

5. Considering the facts and circumstances of the case and considering the undertaking made by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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, Boothapandy, Kanyakumari District. on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] the petitioner is directed to appear before the respondent police on 27.12.2018 and 28.12.2018 and also handover the Seetha and other articles to the defacto complainant.

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

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

[d] the petitioners 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/-
20/12/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
BOOTHAPANDY, KANYAKUMARI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT 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 Mr.R.J.KARTHICK Advocate SR.No.23793

ORDER

IN

CRL OP(MD) No.22526 of 2018

Date :20/12/2018

TK/PN.AC/SAR-4/21.12.2018/3P/6C