



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

Wednesday, the Fifth day of December Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21524 of 2018

JUSTIN @ JUSTIN PRABAKARAN

... PETITIONER / 3rd ACCUSED

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.

CRIME NO.39 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.BALASUBRAMANIAN Advocate

For Respondent : Mr.M.ASHOKAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 498(A), 406 of I.P.C., and Section 4 of Dowry Prohibition Act, 1961, in Crime No.39 of 2018, seeks anticipatory bail.

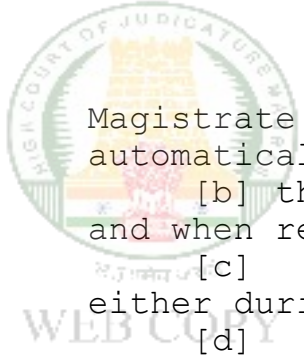
2.The case of the prosecution is that the petitioner is the maternal uncle of the husband of the defacto complainant. Due to some family dispute, the petitioner has been implicated in this case as accused. The petitioner has sought for additional dowry from the defacto complainant.

3.It is submitted that the defacto complainant is now residing in the matrimonial house itself.

4.Taking note of the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner. 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 Additional Mahila Court, Nagercoil on condition that the petitioner shall execute 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:

<https://hcservices.ecourts.gov.in/hcservices/>

[a] if the petitioner fails to surrender before the concerned



Magistrate within a period of fifteen days, this order shall stand automatically cancelled without any reference to the Court.

[b] the petitioner shall report before the respondent police 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/12/2018

/ TRUE COPY /

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

TO

1. THE ADDITIONAL MAHILA COURT,
NAGERCOIL.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.S.BALASUBRAMANIAN Advocate SR.No.22716.

ORDER

IN

CRL OP(MD) No.21524 of 2018

Date :05/12/2018

RAM/MMS/SAR 2/13.12.2018/2P/5C