



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1014 of 2019

H. AUSTIN

... PETITIONER / ACCUSED i

Vs

THE STATE OF TAMILNADU REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, COLACHEL,
KANYAKUMARI DISTRICT,
CRIME NO.14/2016

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.S.XAVIER RAJINI Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who is A1, was arrested and remanded to judicial custody since 22.12.2018 for the offences punishable under Sections 498(A) and 406 of IPC r/w Section 4 & 6 of the Dowry Prohibition Act, in Crime No.14 of 2016, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. The petitioner demanded additional dowry and harassed the defacto complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that due to demand of additional dowry and harassment, the defacto complainant left the matrimonial home and has given a complaint against the petitioner.



5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on 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 Judicial Magistrate, Eraniel, and on further condition that:

[a] the petitioner shall report before the respondent as and when required for interrogation.

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

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

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
ERANIEL.

<https://hcservices.mca.gov.in/hcservices/>
2. THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, COLACHEL,
KANYAKUMARI DISTRICT

4. THE OFFICER INCHARGE,
DISTRICT JAIL, NAGERCOIL.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.XAVIER RAJINI Advocate SR.No.1298

ORDER

IN

CRL OP(MD) No.1014 of 2019

Date :24/01/2019

TK/VR/SAR-2/24.01.2019/3P/7C