



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE M.NIRMAL KUMAR

CRL OP(MD) NO.1034 OF 2019

SALAHUDEEN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT
CRIME NO.6/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.VEILKANIRAJU Advocate

For Respondent : M/S.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 / A1, who apprehends arrest at the hands of the respondent police, for the alleged offences punishable under Section 498-A of IPC., Section 4 of Women Harassment Act and Section 4 of Dowry Prohibition Act, in Crime No.6 of 2016, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 13.05.2013, the petitioner and the defacto complainant were married, as per Muslim rites and customs. During the marriage, 'Sridhana' articles were given to the petitioner. The other accused in this case are in-laws of the defacto complainant. From 15.05.2013, the petitioner / first accused had been giving mental harassment to the defacto complainant. The petitioner is working in Singapore. As agreed earlier, the petitioner though promised to permit the defacto complainant to pursue her studies in Singapore, failed to do so for the reason that the defacto complainant, by that time had become pregnant. After the birth of the child on 27.07.2014, the petitioner had demanded more dowry further joining with other in-laws, harassed the defacto complainant and sent her out of matrimonial house. Hence the defacto complainant had given a complaint.



3. The learned counsel appearing for the petitioner would contend that after separation of the petitioner with the defacto complainant, there was a Jamath and in the Jamath, it was agreed for their permanent separation and now they are separated. Thereafter, the defacto complainant got married with one Nasar on 22.03.2018 and the matrimonial dispute between them had been resolved. The petitioner is working in Singapore and he intends to arrive India on 28.01.2019, to join the family function. Further, the investigation in the above case is completed and charge sheet has been filed, which has been taken on file in C.C.No.339 of 2016, which is pending on the file of the learned Judicial Magistrate No.I, Karaikudi. The petitioner further submits that on arrival of the petitioner, compromise quash petition is to be filed jointly by the petitioner and the defacto complainant. The petitioner now came to understand that the defacto complainant had issued 'Look Out Circular' (LOC) in the above case, since NBW is pending against the petitioner in the above case.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that the dispute between the petitioner and the defacto complainant had been resolved and the defacto complainant now had another marriage and she has been living happily with the present family. The Superintendent of Police, on the request of the respondent, had sent the request for LOC.

5. I have heard the learned counsels appearing on either side and perused the materials available on record

6. The petitioner's apprehension is well founded and in view of the above development and facts of the case and on voluntary submission of the petitioner to take on the proceedings to its logical conclusion, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioner shall execute 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;

[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, 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.

8. It is also made clear that the Authorities concerned will not detain the petitioner on the strength of the LOC issued by the Superintendent of Police, on the request of the respondent, since the need of LOC is no longer relevant, in view of the subsequent development.

sd/-

24/01/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

2 TO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT

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

+1. CC to M/S.M.VEILKANIRAJU Advocate SR.No.1343

ORDER

IN

CRL OP(MD) No.1034 of 2019

Date :24/01/2019