



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1819 of 2019

B.JEGADEESH

... PETITIONER / 1st ACCUSED

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE,
VIRUDHUNAGAR ALL WOMEN POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT,
Crime No.4/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.S.JEYAKARTHIK Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

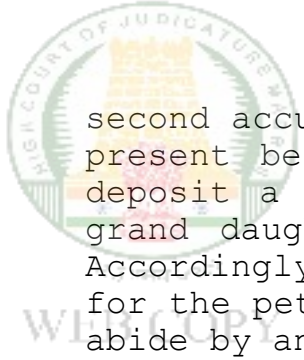
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 05.01.2018 for the offences punishable under Sections 406 IPC and Section 4 of Dowry Prohibition Act, 1961 and Section 4 of TNPWH Act, 2002 in Crime No.4 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that the marriage between the petitioner and the defacto complainant was solemnized on 16.09.2015. At the time of marriage, the defacto complainant's parents gave 55 sovereigns of gold to the defacto complainant and 8 sovereigns of gold to the petitioner as sridhana. During the matrimonial life, the defacto complainant was harassed and tortured by the accused persons for dowry. Out of their wedlock, she was blessed with a female child. However, there was a frequent quarrel between them and since they were not in good terms, the petitioner assaulted and harassed the defacto complainant, for which she filed a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that <https://hdservices.courtsofmadras.gov.in/hdservices/> is filed affidavit stating that he undertakes to withdraw the H.M.O.P.No.140 of 2018 and he is ready to live with the defacto complainant in order to save his daughter's future and the



second accused, the father-in-law of the defacto complainant is also present before this Court and he fairly conceded and accepted to deposit a sum of Rs.5,00,000/- as fixed deposit in favour of his grand daughter in the nationalized bank for her future security. Accordingly, the petitioner prayed for bail. The learned counsel for the petitioner further contended that the petitioner is ready to abide by any of the conditions that is to be imposed by this Court.

4.The learned counsel for the defacto complainant / wife is also present before this Court and accepted the proposal submitted by the father -in-law of the defacto complainant and the defacto complainant is also ready to live with her husband at the place, where he is working now. To that effect, she filed an affidavit.

5.The learned Government Advocate (Crl.Side) would submit that in the event of the petitioner being enlarged on bail, stringent conditions may be imposed on him.

6.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.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for the purpose of 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

(g) the petitioner and the father-in-law of the defacto complainant are directed to deposit a sum of Rs.5,00,000/- as fixed deposit in a nationalized bank in favour of his grand daughter for her future security on or before 05.03.2019, failing which, the bail granted to the petitioner shall stand vacated automatically.

8. Post the matter on 05.03.2019 for reporting compliance.

sd/-
05/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO II, VIRUDHUNAGAR.

2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
VIRUDHUNAGAR ALL WOMEN POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT,

4. THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

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

+1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.2396

ORDER
IN
CRL OP(MD) No.1819 of 2019
Date : 05/02/2019

TK/PN/SAR-2/05.02.2019/3P/7C