



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

Monday, the Twenty Second day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2738 of 2019

PUSHPAM INIGO

... PETITIONER / 1st ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI.
(CRIME.NO.9 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.JEGANATHAN for Mr.VEERA ASSOCIATES Advocate

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

For Intervenor : Mr.RAJAGOPAL for Mr.ANTONY S.PRABAHAR, Advocate

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 alleged offence under Sections 498(A), 406, 289 and 506(ii) of IPC and Section 4 of TNPHW Act in Cr.No.9 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the defacto complainant was solemnized on 24.05.2013 as per christian rites and customs. At the time of marriage 50 sovereigns of gold was given as dowry. After marriage the petitioner and the defacto complainant went to America and they lived happily and there some dispute arose between them. Thereafter the petitioner did not take of his wife and the female child and attacked the defacto complainant in America. While that being the case, the defacto complainant returned to India with her child and was living with her parents. The petitioner also refused to return the Sreethana articles of the defacto complainant, thereby the defacto complainant filed a complaint before the respondent police.



2.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person and he is ready to co-operate for investigation.

3. The learned counsel for the intervenor would submit that this Court may consider the grant of anticipatory bail on condition tot he petitioner to co-operate with the respondent police for the purpose of investigation.

4.The learned Government Additional Public Prosecutor appearing for the State would submit that the petitioner is non- resident of India and if he is enlarged on bail he may abscond and opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that it appears to be a matrimonial dispute and admittedly there was a divorce case pending in the Family Court, 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 Judicial Magistrate No.III, Thoothukudi 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner is directed to surrender his passport before the respondent police and thereafter sureties shall be accepted.

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

(c)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

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

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sd/-
22/04/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-III,
THOOTHUKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THOOTHUKUDI.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to Mr.C.JEGANATHAN for M/S.VEERA ASSOCIATES Advocate
SR.No.61714
+1. CC to Mr.ANTONY S.PRABAHAR Advocate SR.No.6992

PS/VR/SAR-1/26.04.2019/2P/7C

ORDER
IN
CRL OP(MD) No.2738 of 2019
Date :22/04/2019