



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

**CRL OP (MD) No.3118 of 2019**

MARX @ RAMESH,

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
ARUPPUKKOTTAI,  
VIRUDHUNAGAR DISTRICT.  
(CRIME NO.02 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JOTHIBASU Advocate

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

For Intervenor : MR.G.MARIAPPAN, 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 offences under Section 498(A), 406 of IPC and Section 3 (1) and 4 of Dowry Prohibition Act r/w. Section 3 and 4 of Tamilnadu Prohibition of Harassment of Woman Act, in Cr.No.2 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage of the A1 and the defacto complainant was solemnised in the year 2013. Thereafter, they blessed with one male child and since the petitioner demanded more dowry, the defacto complainant lodged the present complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner along with other accused persons filed a petition for



anticipatory bail in CrI.O.P.(MD).No.2147 of 2019. The above said petition was dismissed in respect of A1 in order to facilitate the reunion of A1 with defacto complainant. Now, the petitioner is ready to join with the defacto complainant. Accordingly, he prayed for anticipatory bail.

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4.The learned counsel for the intervenor would submit that the defacto complainant is not willing to join with the petitioner since the petitioner continuously harassed the defacto complainant by demanding more dowry.

5.Today both defacto complainant and the petitioner appeared before this Court. The petitioner expressed his willingness to join with the defacto complainant, but the defacto complainant refused to reunion with the petitioner and submits that this Court may direct the petitioner to visit her father's house where she is now residing once in a week for taking care of their male child.

6.Considering the facts and circumstances of the case and considering the submissions made by both parties, this Court is inclined to grant anticipatory bail to the petitioner on condition to deposit some amount into the crime number. Accordingly, 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, Aruppukkottai, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned 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 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.

sd/-  
04/03/2019

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

TO

1. THE JUDICIAL MAGISTRATE,  
ARUPPUKOTTAI.
  2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
  3. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.
- +1. CC to M/S.G.M.LAW OFFICE, Advocate SR.No.4235

ORDER  
IN  
CRL OP(MD) No.3118 of 2019  
Date : 04/03/2019

AE/JC/SAR-II/06.03.2019/3P/6C