



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

Monday, the Fifteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3316 of 2019

S.MOHANKUMAR

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
CRIME NO.2/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.J.WILLIAM CHRISTOPHER, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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) IPC, Section 4 of Dowry Prohibition Act, 1961 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Cr.No.02 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner and the defacto complainant are the husband and wife. Their marriage was solemnized on 17.08.2018 at Thalavaipuram, Virudhunagar District. At the time of marriage, the parents of the defacto complainant alleged to have spent a sum of Rs.10,00,000/- for the marriage and given 60 sovereign to the defacto complainant and 10 sovereign to the petitioner as dowry. Thereby, the petitioner and other accused persons demanded a house from the defacto complainant. Hence, this complaint is lodged.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. Due to incompatibility, the defacto complainant has left the matrimonial home and living with her parents. Now, he is ready to join with the defacto complainant. However, the defacto complainant adamantly opposed to join with the petitioner.



4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that there is no instruction from the defacto complainant and she is not in a position to express her willingness to join with the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that it is purely matrimonial dispute and there is no serious allegation against the petitioner, 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.II, Srivilliputhur, 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 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 petitioners 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/-

15/04/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, SRIVILIPUTHUR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

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

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

+1. CC to Mr.J.WILLIAM CHRISTOPHER, Advocate SR.No.6834

ORDER

IN

CRL OP(MD) No.3316 of 2019

Date :15/04/2019

MS/PN/SAR-1/23.04.2019/3P.6C