



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

Thursday, the Seventh day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3558 of 2019

KAMARAJ

... PETITIONER / ACCUSED RANK NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.
CRIME NO.6/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SARVAGAN PRABHU 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 offence under Sections 498(A), 420, 406, 323 and 506(i) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 2002 in Cr.No.6 of 2018 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that on 04.07.2014, the marriage was solemnized between the defacto complainant and the petitioner. Thereafter, they blessed with one male child. After birth of male child, the petitioner and his family members harassed the defacto complaint by demanding dowry, for which, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that on an earlier occasion, this Court granted anticipatory bail to the petitioner's in-laws in Crl.O.P.(MD)No.10782 of 2018. However, the application was dismissed in respect of this petitioner to explore the possibility of re-union. Even after reunion, the petitioner did not treat her properly. Therefore, the defacto complainant filed a divorce petition before the concerned Court.



4. The learned Government Advocate (Crl.Side) appearing for the State did not dispute the submission made by the learned counsel appearing for the petitioner.

5. Considering the facts that even after reunion, there is no compatibility between the petitioner and the defacto complainant and circumstances of the case, 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.2, Dindigul, 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 daily at 10.30 a.m., until further orders;

(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/-

07/03/2019

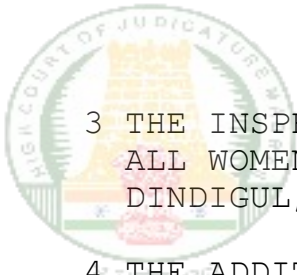
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
<https://hcservices.ecourts.gov.in/hcservices/>



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

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate SR-4434

ORDER

IN

CRL OP (MD) No.3558 of 2019

Date :07/03/2019

JM/JC/SAR 1/18.03.2019/3P/6C