



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

Friday, the Twenty Second day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3643 of 2019

A.K.SIVAKUMAR

... PETITIONER / 1st ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.
(CRIME NO.35 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.R.SREENIVASAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. 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), 406 of IPC and Section 4 and 6 of D.P.Act in Cr.No.35 of 2018, 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 11.06.2016 at Arulmigu Alltharai Amman Community Hall, Kattathurai, Kanyakumari District as per Hindu rites and customs. At the time of marriage 51 ½ sovereigns of gold and Rs.5,00,000/- was given as dowry. Thereafter the petitioner started demanding more dowry and harassed the defacto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the matter was posted for compromise in which the defacto complainant is not willing to join with the petitioner. He would also submit that he willing to return 12 sovereigns of gold and ready to deposit Rs.2,50,000/- to the credit in Crime number and thereafter the same shall be disbursed to the defacto complainant and also he has ready to give Rs.75,000/- to the defacto complainant to redeem the jewels pledged in the bank without prejudice to his rights and contentions.



4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that in view of the terms of compromise arrived between the parties the court may pass orders.

5. Today when the matter is taken up for hearing both the petitioner and the defacto complainant appeared before this Court. The petitioners without prejudice to his rights and contentions returned 12 sovereigns of gold and Rs.75,000/- to redeem the jewels from the bank and also Rs.15,000/- for half sovereign of gold (Total Rs.90,000/-) and also ready to deposit Rs.2,50,000/- to the credit in Crime number and thereafter the same shall be disbursed to the defacto complainant and the same is recorded.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to return the jewels and cash 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kuzhithurai 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 deposit Rs.2,50,000/- to the credit in Crime No. 35 of 2018 before the learned Judicial Magistrate No.I, Kuzhithurai and on such deposit the learned Magistrate shall disburse the same to the defacto complainant and thereafter sureties may 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 as and when required for interrogation;

(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.

WEB COPY

sd/-
22/03/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-I,
KUZHITHURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to MR.M.R.SREENIVASAN Advocate SR.No.5370

PS/VR/SAR-1/26.03.2019/3P/6C

ORDER
IN
CRL OP(MD) No.3643 of 2019
Date :22/03/2019