



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

Thursday, the Twenty First day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3834 of 2019

S.SHANMUGARAJU,

... PETITIONER / ACCUSED - 1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TALLAKULAM,
MADURAI DISTRICT.
(IN CRIME.NO.4/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.SELVAM Advocate

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

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, 494, 506 (i) of IPC in Cr.No.4 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 20.01.2008 and after the marriage they are blessed with two children. In the year 2017, there was a dispute between them and the defacto complainant left the matrimonial home. Hence the complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the innocent person. Infact in earlier occasion this petitioner along with in-laws approached this Court for anticipatory bail, as this Court granted bail to them, however this Court dismissed the petition for this petitioner on the ground for exploring possibilities of re-union. The defacto complainant/wife has filed a divorce petition before the Vth Additional Family Court, Chennai in HMOP No.3052/18 and there is no possibilities for re-union and the defacto complainant has approached herself to the competent court for appropriate relief and this Court may consider anticipatory bail for the petitioner.



4. The learned Government Advocate (Crl. side) appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioner. However the jewels were retained by the petitioner.

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5. Considering the facts and circumstances of the case and also considering the fact the defacto complainant had approached the family court for her relief., 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 Additional Mahila Court (Judicial Magistrate Level), Madurai 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 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 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/-

21/03/2019

/ TRUE COPY /



TO

- 1 THE ADDITIONAL MAHILA COURT,
(JUDICIAL MAGISTRATE LEVEL), MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TALLAKULAM,
MADURAI DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.T.SELVAM Advocate SR.No.5245

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

ORDER

IN

CRL OP(MD) No.3834 of 2019

Date :21/03/2019