



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

Friday, the Fifteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3993 of 2019

STEPHANRAJ

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MUSIRI, TRICHY DISTRICT.
IN CRIME NO.1/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.JEGADEESHPANDIAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 06.02.2019 for the offence punishable under Sections 417,376,498(A) of IPC @ 417,376,498(A), 312 of IPC and Section 4 of Women Harassment Act in Cr.No.1 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are relatives and they both loved each other and thereafter the petitioner refused for marriage and further after the intervention of the elders in the family marriage was performed and subsequently the petitioner started harassing the defacto complainant and thereafter a boy child was born to her and unfortunately the child was dead within two days. It is further stated that the petitioner started harassing he defacto complainant demanding additional dowry, for which the defacto complainant has filed the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that it is purely matrimonial dispute hence he prayed for bail.



4. The learned Government Advocate (Crl. Side) would submit that investigation is pending

5. Considering the facts and circumstances of the case and considering the period of incarceration and also considering the fact that it is purely a matrimonial dispute, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thuraiyur, Trichy District and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned 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/-

15/03/2019

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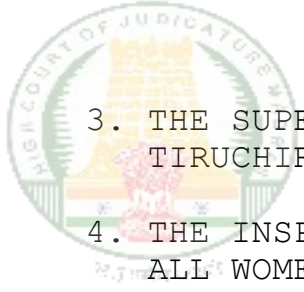
Sub-Assistant Registrar (C.S-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, THURAIYUR,
TRICHY DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

2. DO-TROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



3. THE SUPERINTENDENT, CENTRAL PRISON,
TIRUCHIRAPPALLI.

4. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MUSIRI, TRICHY DISTRICT.

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

+1. CC to Mr.M.JEGADEESH PANDIAN, Advocate SR.No.4991

ORDER

IN

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Date :15/03/2019

MS/VR/SAR-2/15.03.2019/3P.7C