



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

Monday, the Twenty Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4377 of 2019

DHARMARAJ

... PETITIONER / ACCUSED No.1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
MANAMADURAI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO. 3 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SARANYA for
M/S. A. BANUMATHY 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 Section 498(A) of IPC in Cr.No.3 of 2019, 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 30.08.2018 and after the marriage the petitioner started harassing the defacto complainant demanding more dowry. Hence the complaint.

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. However the defacto complainant not intended for re-union hence 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 defacto complainant.

5.Considering the facts and circumstances of the case and also considering the fact the defacto complainant is not interested to join with 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, Manamadurai, Sivaganagai District 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/-
25/03/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
MANAMADURAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
MANAMADURAI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S. A. BANUMATHY Advocate SR.No.5661

ORDER

IN

CRL OP (MD) No.4377 of 2019

Date :25/03/2019

aav

AE/JC/SAR-I/28.03.2019/3P/6C