



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.439 of 2019

M.INIYAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM,
MADURAI CITY,
(CRIME NO.1/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.ALAGUSUNDAR 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 offences punishable under Sections 498(A), 506(i) of IPC and Section 4 of Dowry Prohibition Act, in Cr. No.1 of 2019 seeks anticipatory bail.

2.The case of the prosecution is that marriage between the petitioner and the defacto complainant on 12.02.2016 at Theni, Veerapandi Gowmariyamman, Arulmigu Kanniswaramudaiyar Thirukovi. Due to wedlock, one male child was born. Due to family dispute, the petitioner harassed the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the husband of the defacto complainant and he has nothing to do with the alleged offence.

4. The learned Additional Public Prosecutor would submit the petitioner and the defacto complainant are husband and wife. Due to family dispute, the petitioner abused the defacto complainant using filthy language and also filed a petition before the Family Court, Madurai in H.M.O.P.No.952 of 2018, seeking for restitution of conjugal rights against the defacto complainant and the same is pending before the Court.



5. Taking into consideration the facts of the case and the submissions by learned counsels and that the petitioner herein is the husband of the defacto complainant, this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Additional Mahila Court, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter, as and when required for interrogation

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/01/2019

/ TRUE COPY /

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

TO

1 THE ADDITIONAL MAHILA COURT, MADURAI

2 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THALLAKULAM, MADURAI CITY.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.S.ALAGUSUNDAR Advocate SR.No.43094

ORDER IN

CRL OP(MD) No.439 of 2019

Date :28/01/2019