

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

Monday, the Twenty Ninth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6040 of 2019

S.VARADHARAJ

... PETITIONER / ACCUSED RANK NO.1

Vs

THE STATE OF TAMIL NADU REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NILAKOTTAI, DINDIGUL DISTRICT.
IN CRIME NO.16 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.ARUL, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)
For Intervenor : Mr.L.PRABAKARAN, Advocate

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), 294 (b), 323 and 506(i) of IPC in Cr.No.16 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution the marriage between the petitioner and the defacto complainant was solemnized 23.02.2015 and they were blessed with one male child. Thereafter the petitioner demand more dowry and harassed the defacto complainant. Hence the complaint

3. When the matter is taken up for hearing on 27.04.2019, both the petitioner and the defacto complainant appeared before this Court and they agreed to live together and the petitioner agreed to withdraw the HMOP case filed before him in the Sub Court, Theni. He has also agreed to file an affidavit before this Court on 29.04.2019. Today (i.e.,29.04.2019) he has also filed an affidavit before this Court. The relevant para reads as follows:

"5. I further submit that I filed a petition for divorce in H.M.O.P.No. 299 of 2018 on the file of the Sub Court, Theni against the defacto complainant. The postal

notice to the defacto complainant was served on 03.12.2018. Immediately she had lodged a police complaint before the respondent police on 14.12.2018. The petitioner humbly submits that the defacto complainant had lodged the police complaint only as a counter blast to the divorce petition filed by him.

6. It is further submitted that I has filed an anticipatory bail petition before this Honourable Court in Crl.O.P(MD) No.6040 of 2019 for an offence punishable under Section 498(A), 294(b), 323, 506(i) of IPC. This petition came up on 27.04.2019 on that me and my wife namely Murugabharathy appear before this Honourable Court stated that both are ready to reunion and continuing peacefully move the matrimonial life, since I will withdraw the above said H.M.O.P No. 299 of 2018 on the file of the Sub Court, Theni".

4. The learned Government Advocate(Crl.side) appearing for the respondent police would submit since matter has been settled, this Court may pass appropriate orders.

5. Considering the facts and circumstances of the case and also considering the fact that both the petitioner and the defacto complainant agreed for re-union, 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, Nilakottai 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) If the petitioner violates conditions given by him in the affidavit, the respondent police is at liberty to take action in accordance with law.

(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.

sd/-

29/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, NILAKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
NILAKOTTAI, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.ARUL Advocate SR.No.7796

+1CC TO Mr.L.PRABAKARAN, Advocate, Sr No.8008

ORDER
IN

CRL OP(MD) No.6040 of 2019

Date :29/04/2019

MS/PN/SAR-2/03.05.2019/3P.7C

सत्यमेव जयते

WEB COPY