



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.6923 of 2019

R.PRAVEEN

... PETITIONER/ACCUSED

Vs

STATE,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
CANTONMENT, TRICHY DISTRICT
CRIME NO.4/2019

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.T.VIJAY, Advocate

For Respondent : MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor

For Intervenor : MRS.R.YAMUNA, Advocate

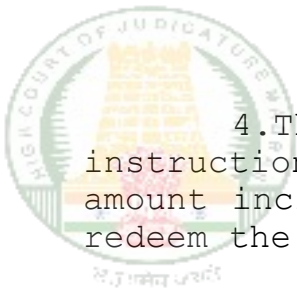
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and 498-A 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 of the first petitioner and the de-facto complainant took place on 06.09.2018. Thereafter, the first petitioner demanded more dowry, for which the de-facto complainant/wife has filed this present complaint.

3.The learned counsel appearing for the petitioner would submit that on an earlier occasion, the petitioner and in-laws filed a petition before this Court in Crl.O.P.(MD)No.4415 of 2019, dated 10.04.2019, this Court granted anticipatory bail to the in-laws and dismissed the first petitioner anticipatory bail on the ground for exploring possibility of the petitioner and the first petitioner ready to join with the de-facto complainant/wife provided if she willing to join with the petitioner.



4.The learned counsel appearing for the petitioner on instructions would submit that he is ready to deposit the entire amount including the interest to enable the de-facto complainant to redeem the jewels.

5.The learned counsel appearing for the intervenor would submit that the de-facto complainant is not willing to join with the petitioner. However insist the Court to return the jewels which was pledged by the petitioner in the name of the joint account. If the petitioner return the said jewels in favour of the de-facto complainant, this Court may pass appropriate orders.

6.The learned Additional Public Prosecutor appearing for the respondent police would submit that since the petitioner himself has come forward to return the redeem jewels, this Court may pass appropriate orders.

7.Considering the facts and circumstances of this case and considering the fact that the de-facto complainant expressed, she is not willing 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 No.II, Trichy, 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner is directed to deposit a sum of Rs.95,000/- (Rupees Ninety Five Thousand Only) with accrued interest and co-operate the de-facto complainant to redeem the jewels in the joint account of Central Bank of India in Ac.No.3723054089, within a period of two weeks from the date of receipt of a copy of this order;

(c))the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(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/-
15/05/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
TRICHY
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, CANTONMENT,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.A.T.VIJAY, Advocate SR.No.8490
+1. CC to M/S.R.YAMUNA, Advocate SR.No.8433

ORDER
IN
CRL OP(MD) No.6923 of 2019
Date :15/05/2019

SJI
PK/PN/SAR-2/17.05.2019 : 3P/7C