



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

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.792 of 2019

ANBALAGAN

... PETITIONER/1st ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
USILAMPATTI, MADURAI DISTRICT.
IN CRIME NO.7/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.J.SENTHIL KUMARAIAH, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 294(b) and 506(i) IPC and Section 4 of TNPHW Act, 2002, in Cr.No.7 of 2018 seeks anticipatory bail.

2. The petitioner is the first accused in this case. The case of the prosecution is that the petitioner had married the defacto complainant in the year 2004 and they have two children, who are aged about 12 and 13 years. The petitioner has bought gold jewels of the defacto complainant and pledged the same. When the defacto complainant demanded the first petitioner to return the jewels of her, the petitioner along with others harassed the defacto complainant and attacked her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is working in Army posted at North East. On 23.01.2019, the petitioner and the defacto complainant appeared before the respondent police on the direction given by this Court and they had come to an understanding. The demand of the defacto complainant is that she needs permanent alimony. Since the petitioner is working in Army, he is unable to give permanent alimony immediately. Hence, the understanding, which arrives



between the petitioner and the defacto complainant is that monthly maintenance of Rs.20,000/- will be given to the defacto complainant and for children's education. He further submits that the defacto complainant is residing in the house on the funds of the petitioner only.

WEB COPY

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl. Side).

5. Taking into consideration the facts of the case and the submissions made by the learned counsel and taking into consideration that the petitioner is ready to pay the monthly maintenance of Rs.20,000/- to the defacto complainant, this Court is 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 respondent police, 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 when he is granted leave and relieved from the postings, since the petitioner is serving in Army in the front line area, on further conditions that:

[a] If the petitioner fails to pay the monthly maintenance of Rs.20,000/- to the defacto complainant, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police, 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]**.

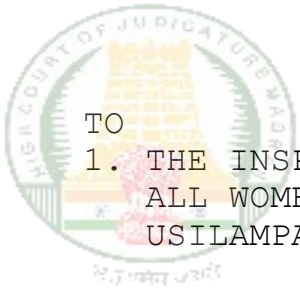
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/01/2019

/ TRUE COPY /

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



TO

1. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
USILAMPATTI, MADURAI DISTRICT.

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

+1. CC to Mr.J.SENTHIL KUMARIAH Advocate SR.No.1768

ORDER

IN

CRL OP (MD) No.792 of 2019

Date :29/01/2019

MS/VR/SAR-2/06.02.2019/3P.4C