



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

Date : 21/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8716 of 2019

Asaithambi

... Petitioner/Accused No.1

Vs

State rep.by,
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District,
Crime No.15/2017
(Transferred to Samayanallur,
All Women Police Station,
Madurai District,
(Crime No.20 of 2018).

... Respondent/Complainant

For Petitioner : M/s.S.Vikram,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory bail in Cr.No.15/2017 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 406 of IPC and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.20 of 2019, seeks anticipatory bail.



3. The learned counsel appearing for the petitioner has submitted that as per the FIR, the petitioner and the defacto complainant are husband and wife. The petitioner along with his family members demanded additional dowry from the defacto complainant and criminally intimidated her. He further submitted that due to some incompatibility between the petitioner and the defacto complainant, the petitioner filed H.M.O.P.No.266 of 2017 on the file of the III-Sub Court, Madurai, and the same is pending. Further this Court directed the petitioner and the defacto complainant to settle the dispute in Mediation Centre and the same was not settled. On an earlier occasion, the petitioner and the other accused persons moved the anticipatory bail application in CrI.OP(MD)No.21179 of 2018 before this Court and the same was dismissed insofar as the petitioner is concerned. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (CrI.Side) appearing for the respondent has submitted that the petitioner assaulted the defacto complainant and criminally intimidated her. He further submitted that this is the second anticipatory bail application of the petitioner. The first application was dismissed for the reason that the defacto complainant's jewels are in the hands of the petitioner. Till date the petitioner has not handed over the jewels to the defacto complainant. Already, the matter was referred to mediation but the same was not settled. He further submitted that the investigation is still pending and hence, he strongly opposed this petition.

5. Taking into consideration of the fact that this is the second anticipatory bail application of the petitioner and also the fact that there is no change of circumstance after the dismissal of the earlier bail application in CrI.OP(MD)No.21179 of 2018, this court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petition is dismissed.

sd/-
21/06/2019

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
ALL WOMEN POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.



2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SAMAYANALLUR, MADURAI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.8716 of 2019

Date : 21/06/2019

DSS

PK/JC/SAR-1/08.07.2019 : 3P/4C