



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 03/07/2019

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD). No.9216 of 2019

Thirumaran

... Petitioner/Accused No.1

Vs

State Rep.by

The Inspector of Police,  
All Women Police Station,  
Paramakudi, Ramanathapuram District.  
(In Crime No.16 of 2011).

... Respondent/Complainant

Gayathri

... Petitioner/ Intervener

For Petitioner : M/s.D.Senthil, Advocate.

For Respondent : Mr.V.Neelakandan,  
Additional Public Prosecutor

For Intervenor :Mr.D.Sasikumar, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

**PRAYER :-**

To enlarge the petitioner on bail in C.C.No.67 of 2012 on the file of the Judicial Magistrate, Paramakudi in connection with Crime No.16 of 2011 on the file of the respondent.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused seeking bail for the alleged offence under Sections 498(A) of IPC and Section 4 of Dowry Prohibition Act.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner herein was arrested and remanded to judicial custody on 17.06.2019 and he is in custody for the past 15 days. He further submitted that the case was registered against the petitioner while he was in abroad and he is not able to return to India for the past 7 years and in the meantime the respondent police has filed



absconding charge sheet against the petitioner. Therefore he prayed to grant bail to the petitioner.

4. The learned counsel for the intervenor would submit that the petitioner herein deserted his wife and married another lady, who is a permanent resident of U.K, when the first marriage is in subsistence. He would also submit that if the petitioner is released on bail, he would run away from the country and certainly he would not come back to India to face the trial. He has relied upon the decision rendered by this Court in Crl.R.C.No.599 of 2018 (V.Baskaran -vs The State rep. by the Inspector of Police, SPE/Central Bureau of Investigation, Anti Corruption Branch, Chennai ) and Crl.A.No.204 of 2017 (Pattaiah -Vs- The State rep.by the Inspector of Police, Manamadurai Police Station, Sivagangai District and another) Hence he strongly opposed to grant bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the marriage between the petitioner and the defacto complainant was solemnized on 27.08.2007 and from the date of marriage the petitioner and his in-laws demanded more dowry from the defacto complainant and started harassing her. Hence he strongly opposed to grant bail to the petitioner.

6. Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 15 days, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] the petitioner is directed to surrender his passport to the concerned Magistrate and subsequently if the said passport is required, he has to file necessary application before the concerned Magistrate Court and it is open for the concerned Magistrate to decide the same, whether the passport is required or not.

[b] the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Paramakudi.

[c] the petitioner shall report before the Respondent Police, daily at 10.30.A.M for a period of One Month and thereafter, as and when required for the interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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.R.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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

sd/-

03/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON,  
RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.D.SENTHIL Advocate SR.No.10983

ORDER

IN

CRL OP(MD) No.9216 of 2019

Date :03/07/2019

**MS/PN/SAR-2/03.07.2019/3P.7C**