



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

WEB COPY

CRL OP (MD) No.989 of 2019

M.DEEPU

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
AWPS KUZHITHURAI,
KANYAKUMARI DISTRICT.
CRIME NO.08 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : Mr S.TITUS, 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, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376, 417 294 and 506(i) of I.P.C and Section 4 of Dowry Prohibition Act, in Crime No.8 of 2016, seek anticipatory bail.

2.Earlier, this Court granted bail to the petitioner on 20.06.2016, thereafter, compromise has been arose between the petitioner and the defacto complainant and they were living together. The defacto complainant had also given a letter to the respondent police stating that the dispute has been compromised and they have been living together, further action will not be taken. Hence the petitioner was under impression that the case would be dropped and execution of sureties in this case would not arise.

3.The learned counsel for the petitioner would submit that the respondent police are searching the petitioner now and he is apprehending arrest. He would further submit that the petitioner had recently blessed the second child three months prior. The petitioner is ready to appear before the Judicial Magistrate No.I, Kulithurai, Kanyakumari District and he prayed this Court to grant 10 days time by extending the anticipatory bail already granted to him in Crl.O.P. (MD)No.5524 of 2016.

4.Heard the learned Government Advocate (Criminal Side) for the respondent.



5. Considering the facts and circumstances of the case, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kulithurai, 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 said Magistrate, on further condition that:

[a] the petitioner shall appear before the respondent police as and when required for interrogation.

[b] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KULITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE
AWPS KUZHITHURAI, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr S.TITUS Advocate SR.No.1509

ORDER IN

CRL OP(MD) No.989 of 2019

Date :24/01/2019