



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8540 of 2019

Immanuel, ... Petitioner/1st Accused

Vs

the state rep by
The Inspector of Police,,
All Women Police Station, Nagercoil,
Kanyakumari District,
Crime No.61 of 2018.

... Respondent/Complainant

P.Hatharin ...Intervening Petitioner/Defacto Complainant

For Petitioner : M/s.P.T.Ramesh Raja,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

For Intervenor : V.H.S.Prathap

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

PRAYER :-

For Anticipatory Bail in Crime No.61/2018 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, 506 (i) of IPC and Sections 3, 4 and 6 of Dowry
Prohibition of Act, in Crime No.61 of 2018, seeks anticipatory bail.

2. Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The learned counsel appearing for the petitioner has submitted that the petitioner is working in a ship. When he was away from the country, some dispute arose between his mother and the defacto complainant and due to which, the defacto complainant has lodged a false complaint against the petitioner and his family members. He further submitted that already this Court has granted anticipatory bail to A2 & A3 and hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned counsel for the Intervenor/defacto complainant has submitted tat the petitioner and his family members have pledged the jewels of the defacto complainant, when the defacto complainant requested to redeem her jewels, the petitioner and his family members harassed her and also demanded more dowry. He further submitted that already the petitioner has filed a petition in I.D.O.P.No.371 of 2018 for divorce and in that petition interim alimony was ordered, but, the petitioner did not pay the said alimony and hence the said petition was dismissed, and therefore, he prayed to dismiss the petition. However, he fairly conceded that before Mediation Centre, the petitioner has handed over 2 bangles and a chain to the defacto complainant.

5.The learned Government Advocate (Crl.Side) has adopted the arguments advanced by the learned counsel for the Intervenor/defacto complainant and she also prayed to dismiss the petition.

6.The Mediator has sent a report stating that the petitioner has returned the jewels to the defacto complainant. Taking into consideration of the aforesaid fact and also the fact that already A2 and A3 were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner by imposing conditions.

7. 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, Boothapandi, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.



(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
POOTHAPANDI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.12136
+1CC TO Mr.K.Esakki Advocate sr.12141

ORDER
IN
CRL OP(MD) No.8540 of 2019
Date :23/07/2019

KM/JC/SAR-II (08.08.2019) 3P 7C