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

Date : 17/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8759 of 2019

Ebrahim

... Petitioner/1st Accused

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Thiruparankundram, Madurai City.
(Crime No.7 of 2018).

... Respondent/Complainant

For Petitioner : M/s.M.Chellapandian,
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 Crime No.7 of 2018 on the file of the respondent police.

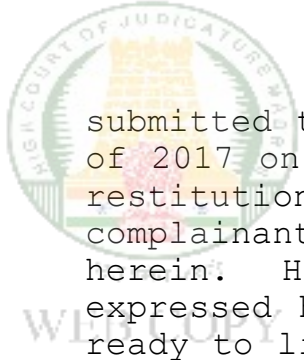
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 and 506(i) of IPC in Crime No.7 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 already the petitioner has filed a suit in O.S.No.52 of 2017 on the file of the Family Court, Madurai for the relief of restitution of conjugal rights and only thereafter, the defacto complainant has lodged a false complaint against the petitioner herein. He further submitted that now the defacto complainant has expressed her willingness before the respondent police that she is ready to live with the petitioner. The petitioner is also ready to take the defacto complainant and hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the State has fairly conceded that now the defacto complainant has expressed her willingness that he is ready to go to the petitioner's house for leading her matrimonial life.

5.Taking into consideration the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

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 Additional Mahila Court, Madurai, 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 fails 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 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].



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

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

TO

- 1 THE JUDGE, ADDITIONAL MAHILA COURT, MADURAI
- 2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THIRUPARANKUNDRAM, MADURAI CITY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8759 of 2019
Date :17/07/2019

VSG
JMN/VR/SAR-2/26.07.2019/3P-4C