



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

Date : 08/08/2019

PRESENT

WEB COPY

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.9202 of 2019

Radha Krishnan ... Petitioner/Accused Rank not known

Vs

The Inspector of Police,
All Woman Police Station,
Aruppukottai,
Virudhunagar District.

(Crime No. Not known Of 2019). ... Respondent/Complainant

For Petitioner : M/s.A.Balaji,
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.not known of 2019 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 Section 498 (A) and 294 (b), in Crime No.Not known of 2019, seeks anticipatory bail.

2. Heard both sides.

3.As per the order of this Court, dated 01.07.2019, the matter has been referred to Mediation and that the parties also appeared before the Mediation and Conciliation Centre attached to this Bench. The Mediator has sent a report, which reads as follows:-

"As per the direction of this Hon'ble Court, this case was listed advance on 25.07.2019. Both parties appeared before the Mediation on 26.07.2019. Detailed discussions held between both parties. After deliberation of the Mediation, both parties were arrived an amicable settlement as per the following terms;-



1.The petitioner agreed to pay full and final settlement amount of Rs.1,00,000/- to the defacto complainant on 08.08.2019.

2.The petitioner agreed to return 6 sovereign of jewels and a sum of Rs.10,000/- (Rupees Ten Thousand Only) on the date of order of Divorce in the Sub Court, Aruppukottai in H.M.O.P.No.154/2019.

Hence, the case is submitted back to the Hon'ble Court for further orders"

4.Today, when the matter came up for hearing, the learned counsel for the petitioner has submitted that as per the settlement arrived before the Mediation Centre, the petitioner has handed over a Demand Draft for Rs.1,00,000/- to the defacto complainant. He further submitted that the other condition will be complied with at the time of disposal of H.M.O.P.No.154/2019.

5.The learned Government Advocate has submitted that the matter has been settled before the Mediation Centre and in pursuance of the same the petitioner has handed over Demand Draft for Rs.1,00,000/- to the defacto complainant.

6.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner.

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, Aruppukottai, 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/-
08/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-13268[I] dated 08/08/2019)

ORDER
IN
CRL OP(MD) No.9202 of 2019
Date :08/08/2019

DSS
ES/PN/SAR 4/20.08.2019/3P/6C