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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9472 of 2019

Sekar, ... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
All Women Police Station, Melur,
Madurai District. (Crime.No.7 of 2019).
... Respondent/Complainant

For Petitioner : M/s.G.Mathavan,
Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

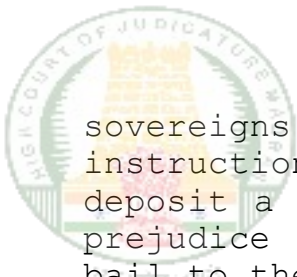
For Anticipatory bail in Cr.No.7 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294 (b), 406, 506 (2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, Crime No.7 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in the above said case. He further submitted that the allegation against the petitioner is that he did not give 11



sovereigns of gold jewels of the defacto complainant is false. On instructions, he further submitted that the petitioner is ready to deposit a sum of Rs.30,000/- to the credit of Crime number without prejudice his defence, and hence, he prayed to grant anticipatory bail to the petitioner.

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4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that there was a matrimonial dispute between the first petitioner and the defacto complainant. The first petitioner is the drug addict and he is not a dutiful husband to the defacto complainant and often he quarrelled with the defacto complainant and harassed her. The petitioner is also demanded additional dowry from the defacto complainant. Hence, he strongly opposed this petition. However, he fairly conceded that the petitioner is ready to deposit a sum of Rs.30,000/- to the credit of Crime number and the co-accused are already released on anticipatory bail by this Court.

5.Taking into consideration the aforesaid fact the petitioner is ready to deposit a sum of Rs.30,000/- to the credit of Crime number and also the fact that the co-accused are already released by this Court, this Court is inclined to grant anticipatory bail to the petitioner with 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 learned Judicial Magistrate, Melur, Madurai District, 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)the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.7 of 2019 before the learned Judicial Magistrate, Melur, Madurai District, without prejudice to his defence before the trial Court;

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

(iii) 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.

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

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



(vi) 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].

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

sd/-
26/07/2019

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

TO

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

+1. CC to M/S.G.MATHAVAN Advocate SR.No.12390

ORDER
IN
CRL OP(MD) No.9472 of 2019
Date :26/07/2019

KM/JC/SAR-III (02.08.2019) 3P 6C