



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

Monday, the Fourth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.22366 of 2018

1 VELMURUGAN

2 SHANMUGALAKSHMI

... PETITIONER / ACCUSED No. 1 & 2

Vs

STATE THROUGH

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

RAMESWARAM

(CRIME NO.8/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.PRABU Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 498(A) of IPC and Section 6 of Tamil Nadu Dowry Prohibition Act in Crime No.8 of 2018 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the marriage between the first petitioner and de facto complainant was solemnised on 18.02.2018 at Thiruchendur and thereafter, the first petitioner stayed his mother-in-law's house and continued the matrimonial life peacefully. Thereafter, there was a dispute arose in between the first petitioner and the de facto complainant for which, the de facto complainant filed a complaint under Section 498(A) of IPC as if the first petitioner/husband and his mother demanded additional dowry. Hence, the law enforcing Agency registered a case as against the petitioners.

3.The learned counsel for the petitioners would submit that the matter was referred to the Mediation Centre for amicable settlement. However, the mediation could not succeeded. Again the matter was listed before this Court. He would further submit that the petitioner have not committed any offence as alleged by the prosecution.



4.The learned counsel for the intervenor would submit that the de facto complainant is ready to join with the petitioner for matrimonial life.

5.The learned Additional Public Prosecutor would submit that there is no allegation against the second petitioner, however there was an allegation against the first petitioner and investigation is still pending.

6.Considering the nature of the allegation and considering the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the second petitioner. However there was an allegation against the first petitioner, this Court is not inclined to grant anticipatory bail, this petition is dismissed in respect of first petitioner alone.

7.Accordingly, the second 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, Rameswaram on condition that the second 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the Second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the second petitioner shall report before the respondent police as and when required for interrogation;

(c)the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the second 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 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]**; and;

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

sd/-
04/02/2019

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE
RAMESWARAM, RAMANATHAPURAM DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAMESWARAM
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to MR.M.PRABU Advocate SR.No.2256

ORDER
IN
CRL OP(MD) No.22366 of 2018
Date :04/02/2019

MSI/PN/SAR-III/08.02.2019-3P/6C