



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20860 of 2018

RENJITH N.S. NAIR

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, COLACHEL,
KANYAKUMARI DISTRICT.
(CRIME NO.7/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.MUTHUSARAVANAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

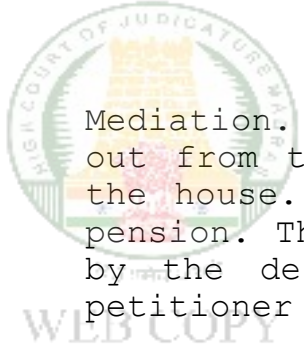
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A1 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(a), 406, 420 IPC and under Section 4 & 6 of Dowry Prohibition Act, in Cr.No.7 of 2017, seeks anticipatory bail.

2.The marriage between the petitioner and the defacto complainant was solemnized on 16.01.2005. At the time of marriage, the petitioner was working in Indian Army. The petitioner was posted in various place of the country and she had been along with him in all these place. In the complaint she has stated that the petitioner has continuously harassing her and assaulting her. The petitioner demanded a dowry of 25 sovereigns at Jodhpur and both of them returned to native on 22.10.2005. On 04.03.2007, the petitioner taken the defacto complainant to the State of Punjab and on 16.08.2007 he said to have assaulted the defacto complainant at the instigation of other accused in Punjab. It is seen that the petitioner and the defacto complaint have two children. The petitioner assaulted the defacto complainant after consuming liquor.

3.The contention of the petitioner is that as per the direction of this Court, the petitioner had appeared before the Mediation Centre and the defacto complainant has failed to appear before the



Mediation. He further submitted that the petitioner has been chased out from the matrimonial home and the defacto complainant live in the house. The petitioner is staying in the lodge with his meagre pension. The entire property of the petitioner is now being enjoyed by the defacto complainant on making false allegation that the petitioner is in the habit of taking Alcohol.

4. Heard the learned Government Advocate (Criminal side).

5. Considering the facts and circumstances of the case and also the considering the submissions of the counsels, 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 No.II, Kuzhithurai 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 said Magistrate, on further condition that:

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of one week and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

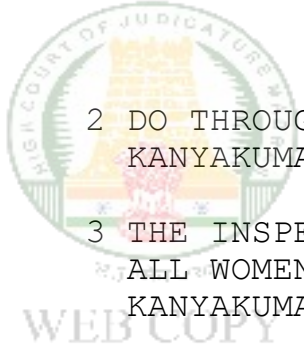
sd/-

25/01/2019

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, COLACHEL,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.MUTHUSARAVANAN Advocate SR.No. 1486

ORDER

IN

CRL OP (MD) No.20860 of 2018

Date :25/01/2019

JM/VR/SAR 3/01.02.2019/3P/6C