



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

Date : 22/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.11342 of 2019

I. Sheriff

... Petitioner/2nd Accused

Vs

State rep. by

The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai District.
(Crime No.14 of 2019).

... Respondent/Complainant

For Petitioner : M/s. I. Saliyakhan,
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.14 of 2019 on the file of the respondent.

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.14 of 2019, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that the petitioner is the father of A1 and as per the FIR, the petitioner has demanded Rs.20,00,000/- for admitting A4 in the medical college and accordingly, the father of the defacto complainant gave the said amount but actually A4 was not admitted in the medical college. He further submitted that in the FIR, it is stated that since the petitioner and other accused persons have assaulted the defacto complainant and she took treatment in a private Hospital, no medical certificate has been produced. He further submitted that due to misunderstanding between A1 and the defacto complainant, already A1 filed divorce petition and interacted by the same, the defacto complainant lodged a false

complaint against all the family members and therefore, he prayed to grant anticipatory bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) has submitted that since the petitioner and other accused persons demanded a sum of Rs.20,00,000/- for getting admission for A4 in the medical college, the defacto complainant's father has paid a sum of Rs.20,00,000/-. He further submitted that all the accused persons have assaulted the defacto complainant and hence, he took treatment in a Private hospital. She further submitted that all the accused persons have demanded 20 sovereigns of jewels and Rs.10,00,000/- as additional dowry. Therefore, she strongly opposed this petition.

5. Taking into consideration of the fact that the police has not shown evidence where A4 has admitted in the medical college as stated in the FIR and also the fact that the police have not collected any evidence as to whether the defacto complainant was admitted in the hospital and also the fact that the main allegations are made against A1 only and the petitioner is father of A1, 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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/ TRUE COPY /

sd/-
22/08/2019

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,
THALLAKULAM, MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.I.SALIYAAHAN, Advocate (SR-13932[I] dated 22/08/2019)

ORDER
IN
CRL OP (MD) No.11342 of 2019
Date :22/08/2019

VSG
ES/JC/SAR2/29.08.2019/3P/5C