



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10957 of 2019

Thowfic Rahaman

... Petitioner/Accused No.1

Vs

State through,
The Inspector of Police,
Cantonment All Women Police Station,
Trichy District
Crime No. 12 of 2019.

... Respondent/Complainant

For Petitioner : M/s.R.Alagumani,
Advocate.

For Respondent : Ms.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 .12 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) and 506(i) I.P.C in Crime No.12 of 2019, seeks anticipatory bail.

2.The learned counsel for the petitioner has submitted that as per the F.I.R, the defacto complainant left the house of the petitioner, even in the year 2016 and on 12.12.2016, one complaint was lodged against the petitioner and his family members by the house owner of the defacto complainant as if the petitioner and his family members have tried to attack the defacto complainant. But at



that time also, she has not made any complaint against the petitioner as he was demanding any dowry. He further submitted that only as an after-thought, after 3 years i.e on 17.07.2019, she lodged a complaint as if the petitioner and his family members are causing harassment. He further submitted that the allegations made in the F.I.R are totally false. Therefore, he prayed to grant anticipatory bail to the petitioner.

3.Per contra, the learned Government Advocate (Crl.Side) has submitted that the petitioner has driven out the defacto complainant even in the year 2016 by demanding dowry of Rs.10 lakhs and at that time, she was pregnant and subsequently, when the defacto complainant was in her parents' house on 12.12.2016, the petitioner and his family members went to the said house and assaulted her and with regard to the same, the house owner has lodged a complaint before the Palakkarai Police Station. She further submitted that the petitioner has caused cruelty and hence, the present complaint has been lodged and hence, she opposed this petition.

4.Taking into consideration of the fact that even though the defacto complainant was living with her parents' house from the year 2016 and one F.I.R was already registered against the petitioner based on the complaint given by the house owner of the defacto complainant even in the year 2016, the defacto complainant has not lodged any complaint immediately against the petitioner and his family members, as if they have demanded dowry and caused cruelty and only after 3 years, i.e on 17.07.2019, she lodged the present complaint, this Court is inclined to grant anticipatory bail to the petitioner, by imposing certain conditions:-

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila (Judicial Magistrate) Judge, Trichy 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/08/2019

/ TRUE COPY /

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

TO

1.THE ADDITIONAL MAHILA JUDGE,
(JUDICIAL MAGISTRATE), TRICHY

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY

3.THE INSPECTOR OF POLICE
CANTONMENT ALL WOMEN POLICE STATION,
TRICHY DISTRICT

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

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.13032

ORDER
IN
CRL OP(MD) No.10957 of 2019
Date :06/08/2019

VS

PK/PN/SAR-4/16.08.2019 : 3P/6C