



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

Date : 30/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.12137 of 2019

R.Mahamani

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai City,
(Crime No. 32 of 2018).

... Respondent/Complainant

For Petitioner : M/s.K.Palmurugan,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

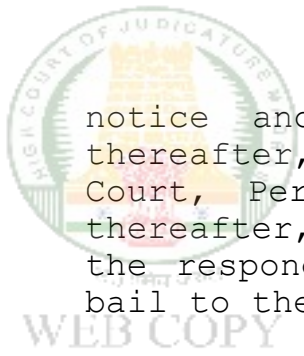
For Anticipatory Bail in Crime No. 32 of 2018 on the file
of the Respondent Police.

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 406 of IPC, in Crime No.32 of 2018, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that as per the FIR, on 14.11.2013, marriage was performed
between the defacto complainant and A1 and at that time, her father
gave 34 sovereigns of gold jewels and other house hold articles as
dowry. Thereafter, A1 and his family members demanded additional
dowry and driven out the defacto complainant to her parent's house
by causing cruelty. He further submitted that on 22.11.2015, the
petitioner has issued a lawyer's notice to the defacto complainant
calling upon her to come and live with him and the said notice has
been returned as the defacto complainant refused to receive the same
and consequently, on 24.03.2018, he issued second lawyer's



notice and the said notice was returned as door locked and thereafter, the petitioner filed HMOP.No.55/2018 before the Sub-Court, Perembalur, for restitution of conjugal rights and only thereafter, the defacto complainant has lodged a complaint before the respondent police, and hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that A1 and his family members demanded additional dowry from the defacto complainant and driven out her to her parent's house by causing cruelty. Hence, she opposed this petition. She further submitted that already investigation is completed and Charge sheet was also filed.

5.Taking into consideration of the submission made by the learned counsel for the petitioner that on 22.11.2015, the petitioner has issued a lawyer's notice to the defacto complainant calling upon her to come and live with him and the said notice has been returned as the defacto complainant refused to receive the same and also the fact that subsequently, on 24.03.2018, he issued second lawyer's notice and the said notice was returned as door locked and thereafter, the petitioner filed HMOP.No.55/2018 before the Sub-Court, Perembalur for restitution of conjugal rights and only thereafter, the defacto complainant has lodged a complaint before the respondent police and also the fact that already investigation completed and Charge sheet also filed, 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 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 fail 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 one week 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 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].

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

sd/-
30/08/2019

/ TRUE COPY /

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

+1 CC to M/s.K.PALMURUGAN, Advocate (SR-14495[I] dated 30/08/2019)

ORDER
IN
CRL OP(MD) No.12137 of 2019
Date :30/08/2019

DSS
ES/PN/SAR 3/04.09.2019/3P/5C