



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice G.R. SWAMINATHAN

CRL OP(MD). No.915 of 2020

1. S.Ramesh Subramaniam
2. S.Santana Lakshmi
3. S.Venkatesh
4. Tamilselvi

... Petitioners/Accused No.1,3,4 & 5

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanniyakumari District.
Crime No.58/2019

... Respondent/Complainant

For Petitioners : Mr.T.Arul, Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)
For Intervenor : Mr.M.Ramesh, Advocate

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

PRAYER :-

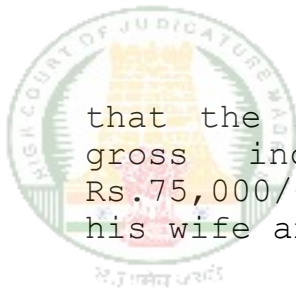
for Anticipatory bail in Crime No.58 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners, learned counsel appearing for the intervenor and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 498A, 406 and 506(i) of I.P.C., and Sections 3(1), 4 and 6 of the Dowry Prohibition Act, 1961, in Crime No.58 of 2019 on the file of the respondent police, seek anticipatory bail.

3. The petitioner got married to the defacto complainant in the year 2011. Two children were born through the wedlock. It appears



that the first petitioner is getting a sum of Rs. 1,00,000/- as gross income. His take home pay appears to be around Rs.75,000/-. The first petitioner got a statutory duty to maintain his wife and children.

4.The intervenor's counsel would allege that the first petitioner has developed illicit intimacy with an office colleague and that appears to be cause for the break down in the relation ship.

5.The petitioner's counsel would of-course deny the said allegations and in-fact, the petitioner's counsel wanted this Court to restrain the defacto complainant from harassing him.

6.I am not in a position to probe these factual aspects. Since the first petitioner has come forward to remit a sum of Rs.25,000/- in the bank account of the defacto complainant, I am inclined to grant relief to the petitioners herein. In any event, the arrest of the petitioners is not going to advance the cause of the investigation or the case of the defacto complainant.

7. Recording the first petitioner's undertaking that he would remit a sum of Rs.25,000/- in the bank account of the defacto complainant every month, I am inclined to grant anticipatory bail to the petitioners. Of-course, this is without prejudice to the defacto complainant to work out her remedies in the manner known to law. It is only an interim arrangement.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Nagercoil, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only)each with two common sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

9. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
23/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL, KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2 CC to M/s.T.ARUL, Advocate (SR-1276[I] dated 23/01/2020)

+1 CC to M/s.M.RAMESH, Advocate (SR-1455[I] dated 24/01/2020)

ORDER

IN

CRL OP(MD) No.915 of 2020

Date :23/01/2020

MS/VR/SAR-3/31.01.2020/3P.8C