



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.3576 of 2020

Arun D Sahayam

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Sattur, Virudhunagar District.
Crime No.5 of 2018.

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran, Advocate
for M/s.Anandakumar, Advocate

For Respondent : M/s.M.Ananthadevi,
Government Advocate (Crl.Side)

For Intervenor : Mr.P.Saravanakumar, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.5 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

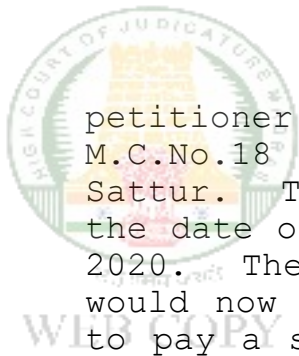
Heard the learned counsel appearing for the petitioner, learned counsel appearing for the intervenor and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 06.02.2020. He is an accused in C.C.No.51 of 2018 on the file of the Judicial Magistrate No.1, Sattur for the offences punishable under Sections 498(A), 406, 355, 506(ii) of IPC r/w Section 4 of Dowry Prohibition Act.

3.The petitioner had moved this Court, when the case was pending investigation. By order dated 06.06.2018 in Crl.O.P.(MD) No.9007 of 2018, the Court had granted anticipatory bail to the petitioner on condition that the petitioner will pay a sum of Rs.5,000/-.

<https://hcservices.e00016.gov.in/hcservices/>

The said condition was later relaxed because the



petitioner had been directed to pay a sum of Rs.10,000/- in M.C.No.18 of 2018 on the file of the Judicial Magistrate No.2, Sattur. The maintenance amount had been directed to be paid from the date of application that is November 2018. We are now in March 2020. Therefore, the maintenance amount payable by the petitioner would now come to Rs.1,60,000/-. The petitioner had been directed to pay a sum of Rs.5,000/- per month from the month of June 2018. The amount payable in terms of the order passed by this Court would come to Rs.25,000/-. Adding them together, the amount payable by the petitioner as on date, comes to Rs.1,85,000/-.

4.The petitioner's counsel claims that the petitioner had paid Rs.1,05,000/-. The counsel appearing for the intervenor states that the amount deposited by the petitioner so far comes to only Rs.50,000/-. Proof is not forthcoming from either side. Therefore, the Court below will go into this aspect. In other words, the amount already paid by the petitioner to the defacto complainant will be deducted from the sum of Rs.1,85,000/- and the balance amount will have to be paid by the petitioner.

5.The learned counsel appearing for the petitioner states that the petitioner would require a week's time after coming out on bail to pay the said amount.

6.The learned counsel appearing for the intervenor states that the petitioner's conduct is far from encouraging. He has not been regularly attending the trial. He has also been issued with non bailable warrant on two occasions.

7.Therefore, this Court directs that after coming out on bail, the petitioner will stay at Sattur and report before the respondent Police twice a day at 09.00 a.m., and again at 07.00 p.m. After the balance amount is remitted by the petitioner, this condition will stand totally relaxed. The petitioner has to ensure that on every hearing date, he is duly represented. The petitioner appears to be working at Delhi. It may not be possible for the petitioner to attend every hearing. Therefore, the petitioner of-course need not attend every hearing. But then, he has to attend on those occasions, when his presence is mandatory and when he is directed by the Court below. On all other occasions, the petitioner can be represented through his counsel and the Court below will accept the application filed under Section 317 of Cr.P.C.

8.The petitioner's further undertaking is that the petitioner will continue to honour the maintenance order to pay a sum of Rs.10,000/- every month.

9. If the petitioner breaches this undertaking, the intervenor can move this Court and ask for cancellation of the order now granted.



10. Subject to this condition, bail is granted, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) 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 learned Judicial Magistrate No.I, Sattur.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
27/02/2020

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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, SATTUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SATTUR, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-4253[I] dated 27/02/2020)

ORDER
IN
CRL OP(MD) No.3576 of 2020
Date :27/02/2020

MS/PN/SAR-3/27.02.2020/3P.7C