



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

Date : 04/06/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5058 of 2020

Prabu ... Petitioner/Accused No.1

Vs

The State Rep. By
The Inspector of Police,
All Women Police Station, Marthandam,
Kanyakumari District.
Cr.No.12 of 2020..

... Respondent/Complainant

For Petitioner : Mr.I.Pinaygash
for Mr.C.Kishore,
Advocate.

For Respondent : R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

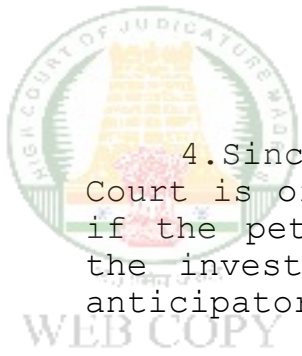
To enlarge the petitioner on bail in the event of his arrest in connection with the Cr.No.12 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406, 427 of IPC and under Section 3, 4 and 6 of Dowry Prohibition Act, 1961 in Crime No.12 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The petitioner herein is the husband of the defacto complainant. A complaint has been given alleging that dowry harassment and domestic violence by one Shoba against her husband, and sister-in-law.



4.Since the matter relates to the matrimonial dispute, this Court is of the view that arrest of the petitioner is not required, if the petitioner participates in the enquiry and co-operate with the investigation. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.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 learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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/-
04/06/2020

/ TRUE COPY /

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



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

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

ORDER
IN
CRL OP(MD) No.5058 of 2020
Date :04/06/2020

PD/JC/SAR 2/05.06.2020/3P/5C