



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.7425 of 2020

Haja Alaudeen

... Petitioner/Accused No.1

Vs

The State rep by
The Inspector of Police,
All Women Police Station, Keelakarai,
Ramanathapuram District
Cr No.14/2019.

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

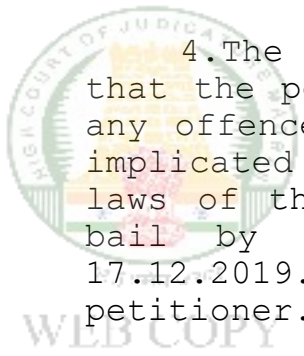
For Anticipatory Bail in Crime No. 14 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406 and 506(i) of IPC and Section 4 of Tamil Nadu Dowry Prohibition Act, in Crime No.14 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is A1 and he is the husband of the defacto complainant. The petitioner was got married to the defacto complainant in the year 2009 and out of their wedlock two male children were born. Thereafter, the petitioner went to the abroad, at that time the in-laws of the defacto complainant have demanded additional dowry and the petitioner has also suspected the morality of the defacto complainant and harassed her. Hence, the present complaint.

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



4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the other in-laws of the defacto complainant were already granted anticipatory bail by this Court in CrI.O.P.(MD).No.18936 of 2019, dated 17.12.2019. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (CrI. Side) appearing for the respondent police submitted that the petitioner and his family members have demanded additional dowry and suspected morality of the defacto complainant and also harassed her.

6.On perusal of the FIR, it is seen that the petitioner suspected the fidelity of the defacto complainant and also scolded her and the in-laws of the defacto complainant have demanded additional dowry.

7.Considering the facts and circumstances of the case and considering the fact that the other accused were already granted anticipatory bail, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate 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 as and when required for 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]; and;



(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

/ TRUE COPY /

sd/-
15.07.2020

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

vsg

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.1, Ramanathapuram.
2. -Do- Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
All Women Police Station, Keelakarai,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7425 of 2020
Date : 15/07/2020

VB SKN SAR 2 (17.07.2020) 3P 5C