



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 03/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7417 of 2020

K.Pramesh Kumar

... Petitioner/Sole Accused

Vs

The State rep. by  
The Inspector of Police,  
Awps- Marthandam,  
Kanyakumari District  
Cr No.22/2020.

... Respondent

For Petitioner : Mr.D.Selvanayagam,  
Advocate.

For Respondent : Ms.S.E.Veronica Vincent,  
Government Advocate(Criminal Side)

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

**PRAYER :-**

For Anticipatory Bail in Crime No.22 of 2020 on the file of the respondent police.

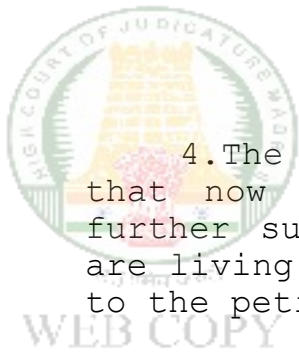
**ORDER :** The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A) and 406 of IPC and Sections 3 (1) and 4 of the Dowry prohibition Act, 1961, in Crime No.22 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant. On the date of occurrence, the petitioner in a drunken mood, demanded dowry from the defacto complainant and harassed and criminally intimidated her. Hence, the present complaint.

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

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



4.The learned counsel appearing for the petitioner submitted that now the dispute has been settled between the parties. He further submitted that the petitioner and the defacto complainant are living together. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side), on instructions, submitted that it is a matrimonial dispute between the parties and it has been settled, now the petitioner and the defacto complainant are living together.

6.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute between the parties and it has been settled, now the petitioner and the defacto complainant are living together, hence, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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.I, Padmanabapuram, 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 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.

sd/-  
03/09/2020

WEB COPY

/ 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,  
PADMANABAPURAM.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,  
AWPS- MARTHANDAM,  
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.7417 of 2020  
Date :03/09/2020

VSG  
SRS/ JC/ SAR-IV/ 08.09.2020/ 3P/5C