



WEB COPY

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

Date : 05/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.8078 of 2020

Sivarajan ... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep.by The Inspector of Police,
All Women Police Station, Marthandam,
Kanyakumari District.
(Crime No. 21 of 2020).

... Respondent/Complainant

N.Shalini ... Petitioner/Intervener
in CRL MP(MD)No.4268 of 2020 in
CRL OP(MD)No.8078 of 2020

For Petitioner : Mr.V.Sasikumar,
Advocate.

For Respondent : Mrs.M. Anandhi Devi,
Government Advocate (Crl.Side)

For Intervener : Mr.C. Kishore, Advocate

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

PRAYER :-

For Anticipatory Bail in Cr.No.21 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406 and 506(i) of I.P.C. and Sections 3(1), 4, 6 of Dowry Prohibition Act, 1961, in Crime No.21 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is wife of the petitioner and they are having one male child. The petitioner said to have demanded huge dowry from the defacto complainant and execution of the parental house of the petitioner's wife in his favour. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that he is ready to live with the defacto complainant and his child. Hence, he seeks anticipatory bail.

5. The learned counsel appearing for the intervener has submitted that the petitioner has demanded more dowry to the tune of Rs.3,00,000/- and also demanded to convert the defacto complainant's father's property and a house in his name. He further submitted that the defacto complainant was harassed by the petitioner herein.

6. Heard the learned Government Advocate (criminal side) appearing for the respondent police.

7. The learned counsel appearing for the petitioner has filed an undertaking affidavit before this Court. It is stated that the petitioner undertakes to live with the defacto complainant and take care of their child properly.

8. Considering the fact and circumstances of the case and taking note of the undertaking affidavit filed by the petitioner and considering the fact that no petition for divorce or restitution of conjugal rights pending between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

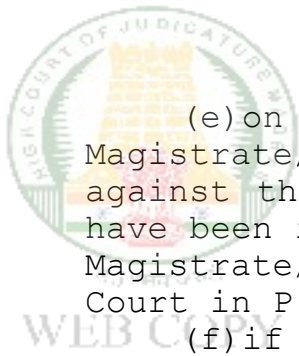
9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Kuzhithurai, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the 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 take care of the defacto complainant and their child, if the petitioner failed to take care of the defacto complainant and child, the anticipatory bail granted to the petitioner stands automatically cancelled and the respondent police is directed to proceed in accordance with law as against the petitioner;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation



(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/-
05/10/2020

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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, KUZHITHURAI.
2. DO THRO' 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 MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.KISHORE, Advocate (SR-6814[I] dated 07/10/2020)

ORDER
IN
CRL OP(MD) No.8078 of 2020
Date : 05/10/2020

KSA
AE/AKM/SAR-IV (08.10.2020) 3P 6C