



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9014 of 2020

P.Raja

... Petitioner/Accused No.6

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Thiruvadani,
Ramanathapuram District.
(Crime No.7 of 2017)

... Respondent/Complainant

For Petitioner : M/s.K.Ramanathan,
Advocate.

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

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

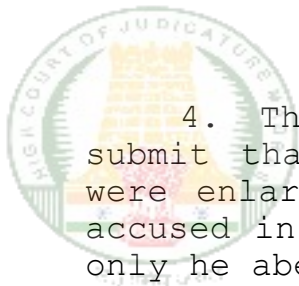
PRAYER :- For Anticipatory Bail in Crime No.7 of 2017 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-6 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A) of IPC and 4 of Dowry Prohibition Act, in Crime No.7 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that the marriage of the defacto complainant with A-1 was solemnized on 08.06.2017. A-1 is the husband and A-2 to A-5 are in-laws of the defacto complainant and this petitioner/A-6 is the distance relative of them. The petitioner along with other accused said to have harassed the defacto complainant and demanded further dowry. Hence, the complaint.

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



4. The learned counsel appearing for the petitioner would submit that except this petitioner all the other accused persons were enlarged on bail and he is not aware that he was arrayed as accused in this case. The allegation against the petitioner is that only he abetted the A-1 in this case.

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5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that the respondent police has filed charge sheet before the concerned Magistrate Court and the petitioner was shown as 'absconding accused' in the charge sheet and no Non-Bailable warrant was issued against the petitioner by the Court below. He further submitted that the charge sheet was taken on file and the same was posted on 06.10.2020 for appearance of accused persons. Except this petitioner, all the other accused persons were enlarged on bail.

6. Considering the facts and circumstances of the case and considering the fact that the respondent police has filed charge sheet before the Jurisdictional Court and so far no Non-bailable warrant was issued against the petitioner and except this petitioner all the other accused persons were enlarged on bail, this Court is 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 on his appearance before the learned District Munsif Cum Judicial Magistrate, Thiruvadanai, Ramanathapuram District, 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 is directed to appear before the concerned Jurisdictional Court on **06.10.2020**.

(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

<https://hccservices.courts.gov.in/Kcse/Case/> **Govt. P. K. Saji 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/-
07/09/2020

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THIRUVADANI, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9014 of 2020
Date :07/09/2020

MS/AKM/SAR-2/10.09.2020/3P.5C