



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

Date : 05/10/2020

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PRESENT

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

CRL OP(MD) . No.9311 of 2020

Maheswara Perumal

... Petitioner/Accused No.1

Vs

The State rep. by
The Sub-Inspector of Police,
All Women Police Station
Sattur, Virudhunagar District
(Fir in Crime No. 8/2019).

... Respondent/Complainant

M.Divya

...Intervener/Defacto Complainant
(in CRL MP(MD) No.4532/2020
in CRL OP(MD) No.9311/2020)

For Petitioner : M/s.P.M.Vishnuvarthanan, Advocate.
For Respondent : Mrs.M. Anandhi Devi,
Government Advocate (Criminal Side)
For Intervener : Mr.M.PANDIAN, Advocate

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

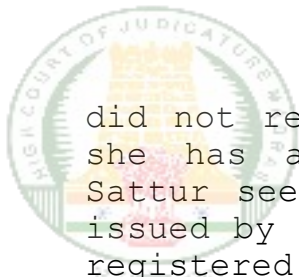
PRAYER :-

For Anticipatory Bail in Crime No. 8 of 2019 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 506(ii) of I.P.C. and Section 4 of Dowry Prohibition Act, in Crime No.8 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is wife of this petitioner/A-1 and both were residing and working in Dubai and due to matrimonial dispute between the petitioner/A-1 and the defacto complainant, she returned back to India. The allegation is that the petitioner and his family members said to have demanded huge dowry from the defacto complainant. Since the respondent police



did not registered the complaint filed by the defacto complainant, she has approached the learned Judicial Magistrate Court No.I, Sattur seeking direction for registration of FIR. As per direction issued by the learned Judicial Magistrate, the present FIR has been registered.

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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 the petitioner has filed a HMOP petition before the Subordinate Court, Sivakasi, seeking for divorce the same is pending. He further submitted that only the defacto complainant has refused to reunite with A-1 and the petitioner is ready to settle the issue. Hence, he seeks anticipatory bail.

5. The learned counsel appearing for the intervener has submitted that the petitioner and his family members have demanded huge dowry from the defacto complainant.

6. The learned Government Advocate (Criminal Side) appearing for the respondent police, on instructions, submitted that HMOP proceeding is pending between the parties.

7. Considering the fact and circumstances of the case and considering the fact that HMOP proceeding is pending between the parties, this Court is 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 on his appearance before the learned Judicial Magistrate No.I, Sattur, 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 report before the respondent police daily at 10.30 a.m., without fail for a period of Two weeks and thereafter, 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/-

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, SATTUR.

2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3. THE SUB-INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SATTUR, VIRUDHUNAGAR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.PANDIAN, Advocate (SR.No.6810[I] dated 06/10/2020)

+1. CC to M/S.P.M.VISHNUVARTHANAN, Advocate (SR.No.19232 dated 06/10/2020)

ORDER IN

CRL OP(MD) No.9311 of 2020

Date :05/10/2020

KSA

<https://hservices.rechtspraak.nl/mcservices> SPS/AKM/SAR-III/08.10.2020/3P/7C