



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.9790 of 2020

SHANMUGA SUNDARAM DURAIRAJ ... PETITIONER/ACCUSED NO.1

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, DINDIGUL.
IN CRIME NO.2/2020. ... RESPONDENT/COMPLAINANT

For Petitioner : M/s.D.S.Haroon Rasheed,
Advocate.

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

For Intervener : Mr.Sarvagan Prabu, Advocate

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

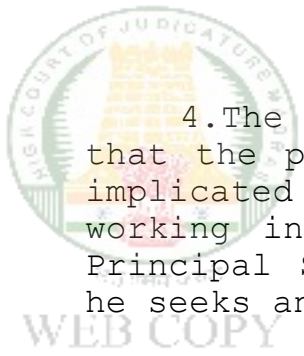
PRAYER :- For Anticipatory Bail in Crime No.2 of 2020 on the file of the Respondent Police.

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), 323, 406, 506(i) of I.P.C. and Section 4 of Dowry Prohibition Act, in Crime No.2 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 herein/A-1. The allegation is that the petitioner and his family members were harassed the defacto complainant and demanded huge dowry from her. Hence, the complaint has been registered against the petitioner and his family members.

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 is working in Dubai and he filed a HMOP No.114 of 2019 before the Principal Subordinate Court, Thuraiyur the same is pending. Hence, he seeks anticipatory bail.

5. The learned counsel appearing for the intervener has submitted that the petitioner and his family members were harassed the defacto complainant and demanded huge dowry from her. He further submitted that the petitioner is having five sovereigns of jewels belongs to the defacto complainant.

6. The learned Government Advocate (crl. Side) appearing for the respondent police has submitted that matrimonial dispute is pending between the parties.

7. The learned counsel appearing for the petitioner undertakes that whenever the petitioner will come to India he is ready to return the jewels which was redeemed by him belongs to the defacto complainant.

8. Considering the fact and circumstances of the case and considering the undertaken given by the learned counsel appearing for the petitioner, 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.II, Dindigul, 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 from 02.11.2020, daily at 10.30 a.m., for a period of Two weeks and at the time of appearing before the respondent police the petitioner is directed to return the jewels to the respondent police weighing five sovereigns belongs to the defacto complainant, failing which, the anticipatory bail granted to the petitioner shall stands automatically cancelled.

(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

<https://hcs.csrts.dh/hcsprides/> 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.

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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.II,
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9790 of 2020
Date : 05/10/2020

ksa
JM/PN/SAR III/08.10.2020/3P/5C