



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9737 of 2020

Ganesh Raja

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City,
(Crime No.24 of 2020)

... Respondent/Complainant

For Petitioner : Mr.V.Vishnu,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 294(b), 323 and 506(i) of IPC, in Crime No.24 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The defacto complainant is the wife of the petitioner herein. The case of the prosecution is that the marriage between the petitioner and the defacto complainant took place in the year 2013 and both were living in Singapore. Out of their wedlock, a female child was born. Thereafter, the petitioner said to have demanded dowry and also asked her to purchase some property in his favour and driven her out from the matrimonial home. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner is employed in Singapore and sent a sum of Rs.48,00,000/- through bank transaction for purchasing property in his name to the father of the defacto complainant. But the father of the defacto complainant neither purchased the property nor the money was returned to the petitioner. When the same was questioned by the petitioner, the defacto complainant has supported her father. Hence, the petitioner has lodged a complaint against the defacto complainant and father-in-law, and the same was registered in Crime No.21 of 2020 for the alleged offences under Sections 120(b), 420 and 506(i) of IPC and the same was pending investigation and interim anticipatory bail was granted to the defacto complainant and her father and the matter is also referred to mediation. Due to Covid-19 pandemic, it is also pending. Now, as a counter blast, the present complaint was filed by the petitioner on 25.08.2020. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioner said to have demanded more money and harassed her. He further submitted that status report has been filed by the respondent Police.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the petitioner's complaint filed on 16.03.2020 against the defacto complainant and her father and it is also pending for investigation. It is also seen that the defacto complainant and her father filed a petition seeking for anticipatory bail and the Court below granted interim anticipatory bail and referred the matter for mediation, which is also pending. Considering the above circumstances and the fact that it is a case in counter and there is no serious allegation against the petitioner, 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 Additional Mahila Court, Madurai, 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/-

18/09/2020

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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 JUDGE,
ADDITIONAL MAHILA COURT,
MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM,
MADURAI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9737 of 2020

Date :18/09/2020

VSG

TE/AKM/SAR-I : 24/09/2020 : 3P/4C

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