



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

Date : 15/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9767 of 2020

Mahapoobkhan

... Petitioner/Accused No.1

Vs

State, represented by
The Inspector of Police,
All Women Police Station,
Tirunelveli Junction,
Tirunelveli City.
(In Crime No.07 of 2020)

... Respondent/Complainant

For Petitioner : Mr.K.Navaneetharaja,
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.07/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294(b) and 506(1) of I.P.C., in Crime No.07 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the de-facto complainant took place in year 2018 and they also blessed with a female child. After the marriage, the petitioner said to have harassed the de-facto complainant and demanded dowry and also the de-facto complainant came back to her parental home and the petitioner also failed to take care of his



wife and daughter. In the year 2019, the petitioner has threatened the de-facto complainant to agree for divorce. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is also ready and willing to live with the de-facto complainant and the de-facto complainant asked the petitioner to desert his parents and to live in a separate house. Since the petitioner did not agree for that, the de-facto complainant went to her parental home. Thereafter, the petitioner has given a complaint before the Town Haji, wherein, the mediation was also conducted. On several times, the de-facto complainant has not agreed to live together. Thereafter, the present complaint has been filed by the wife with an intention to harass the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that there is no demand of dowry and the petitioner is also ready and willing to live with the de-facto complainant, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/09/2020

/ TRUE COPY /

/ /2020
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.IV, TIRUNELVELI.

2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUNELVELI JUNCTION,
TIRUNELVELI CITY.

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

+1 CC to Mr.A.MOHAMED YUSUF, Advocate (SR-6436[I] dated 15/09/2020)

ORDER
IN
CRL OP(MD) No.9767 of 2020
Date :15/09/2020

sj i
AE/JC/SAR-II (17.09.2020) 3P 6C