



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

Date : 03/11/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.11904 of 2020

Selvakumar

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.
Crime No.12 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.MP.Amalan, Advocate.
For Respondent : K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Intervenor : Mr.J.Vishnu, Advocate.

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

PRAYER :-

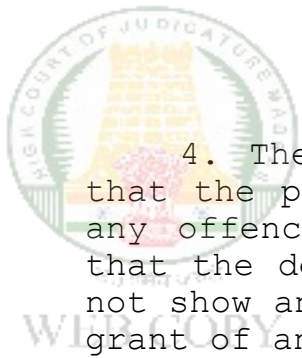
For Anticipatory bail in Crime No. 12 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 294(b), 323, 506(i) of I.P.C., Section 4 of TNPWH Act and Section 4 of the DP Act in Crime No.12 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons demanding dowry has driven the defacto complainant from the matrimonial home.

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 an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the defacto complainant wanted to continue her studies and did not show any interest in the matrimonial life. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (criminal side) submitted that the issue involved in this case is the matrimonial dispute. He further submitted that the petitioner suppressed the fact that the petitioner has studied only 10th standard and got married the defacto complainant and also threatened the defacto complainant with dire consequences demanding dowry.

4. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate [Mahila Fast Track Judge], Sivagangai, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the defacto complainant are directed to appear before the Mediation and Conciliation Centre, Sivagangai District on 23.11.2020;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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;



(g) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/11/2020

WEB COPY

/ 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,
(MAHILA FAST TRACK JUDGE), SIVAGANGAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
MEDIATION AND CONCILIATION CENTRE,
SIVAGANGAI DISTRICT.

ORDER
IN
CRL OP(MD) No.11904 of 2020
Date : 03/11/2020

TA
TK/PN/SAR.3/05.11.2020/3P/6C