



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2020

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PRESENT

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

CRL OP(MD). No.13775 of 2020

Vinoth Kumar

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Madurai South All Women Police Station,
Madurai District.
Crime No. 10 of 2019.

... Respondent/Complainant

For Petitioner : M/s.A.G.Senthilkumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

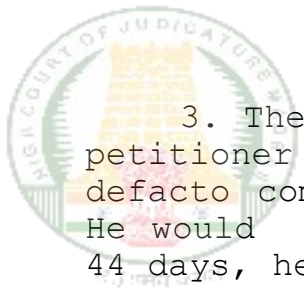
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.10 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1 herein was arrested and remanded to judicial custody on 13.10.2020 for the alleged offence under Sections 498(A), 506(i), 294(b), 323, 403, 109 of IPC and Section 4 of Dowry Prohibition Act, in crime no.10 of 2019, seeks bail.

2. The case of the prosecution is that the petitioner is A-1 in this case and he is the husband of the defacto complainant and the marriage between them took place in the year 2018. The petitioner along with other accused persons were already granted anticipatory bail by this Court in Crl.OP(MD) No. 14717 of 2019, dated 17.10.2019, subsequently, the defacto complainant has filed a petition for cancellation of bail in Crl.MP(MD) No.4105 of 2020 and the same was partly allowed on 14.09.2020 by cancelled the anticipatory bail order as against this petitioner/A-1 alone and also directed the respondent police to arrest the petitioner. Thereafter, the petitioner was arrested by the respondent police and



3. The learned counsel for the petitioner would submit that the petitioner is husband and other accused persons are in-laws of the defacto complainant and the in-laws were already enlarged on bail. He would also submit that the petitioner is in jail for more than 44 days, hence he may be granted bail.

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4. The learned Government Advocate(Crl.Side) would submit that the petitioner alone was arrested by the respondent police, because he has violated the undertaking given before this Court. He would further submit that investigation has been completed and final report has been filed and the same was taken cognizance in C.C. No.669 of 2020 on the file of the Additional Mahila Court, Madurai.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Additional Mahila Court, Madurai.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

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

(iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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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.

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- TO
- 1 THE JUDGE,
ADDITIONAL MAHILA COURT, MADURAI.
 - 2 THE INSPECTOR OF POLICE,
MADURAI SOUTH ALL WOMEN POLICE STATION,
MADURAI DISTRICT.
 - 3 THE OFFICER INCHARGE,
CENTRAL JAIL, DINDIGUL.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.A.G.Senthilkumar, Advocate SR.No. 7874

ORDER
IN
CRL OP(MD) No.13775 of 2020
Date :02/12/2020

KSA
JM/AKM/SAR III/02.12.2020/3P/6C