



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

Date : 07/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.68 of 2021

Mobeen

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Rameswaram,
Ramanathapuram District.
Crime No.8 of 2019

... Respondent/Complainant

For Petitioner : Mr.M.Subash Babu,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

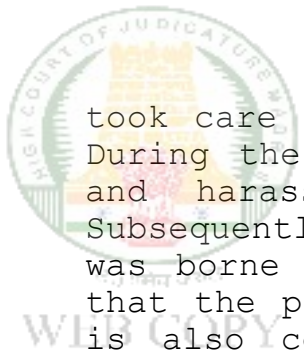
For Anticipatory Bail in Crime No.8/2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

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

2. The petitioner, who apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 498(A), 406 IPC and Section 4 of Dowry Prohibition Act & Section 67 of Information Technology Act 2000, seek anticipatory bail.

3.The defacto complainant is the wife of the petitioner. The marriage between the petitioner and the defacto complainant was held on 09.10.2011. During the marriage, the petitioner was presented with 2.50 Lakhs and 57 sovereigns of gold jewels. The petitioner was a native of Ramanathapuram District. Two years after the marriage, the petitioner got conceived, at that time the petitioner was working in Dubai. The defacto complainant's brothers



took care of her health and incurred expenditure during that time. During the said period, the defacto complainant had faced cruelty and harassment by her mother-in-law and father-in-law also. Subsequently, she delivered a male baby and the entire expenditure was borne by her brother and her parents. Further, it is alleged that the petitioner is having illegal contact with other women. It is also contended that the petitioner had uploaded the defacto complainant's photo in the Face Book account and the same was questioned by the father of the petitioner, thereafter the photograph posting in Face Book was found removed. Hence, she lodged a complaint against the petitioner and her father-in-law and mother-in-law.

4.The contention of the petitioner is that the marriage between the defacto complainant and the petitioner took place on 09.10.2011. After the marriage, they settled in Dubai. The defacto complainant joined the petitioner and she was also working in Dubai. The defacto complainant had developed enmity against the petitioner and his family members for no reason and she neglected the petitioner. Despite the same, the petitioner was leading his life with her. Thereafter, the defacto complainant lodged a complaint on 20.11.2019. The allegations made in the complaint are invented for the purpose of the complaint. It is contended that the petitioner had no extra marital affair. He further submitted that A2 and A3 were granted Anticipatory bail in the year 2019. Since the petitioner was in Dubai, at that time he could not apply for Anticipatory bail. Now the petitioner proposed to come to India to meet his parents and he apprehends that he may be detained in the Airport.

5.The learned Government Advocate(Crl.side) submitted that the defacto complainant lodged a complaint in the year 2019. Thereafter, A2 & A3/father-in-law and mother-in-law have approached this Court for obtaining Anticipatory bail. As regards the petitioner is concerned, despite several summons, he has not appeared for enquiry. The petitioner stationed in Dubai. So far, no letter has been given to the immigration authorities, seeking detention of the petitioner. The petitioner may be directed to appear before the respondent police for interrogation.

6.The submissions made by the learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent is considered. It is seen from the records that the marriage between the petitioner and the defacto complainant had taken place in the year 2011. They were living together for the past 9 years. In the year 2019, the complaint has been lodged by the defacto complainant. Considering the fact that the above case is of matrimonial dispute, this Court is 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 learned Judicial Magistrate, Nanguneri, on condition that the petitioner shall execute 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 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, for a period of two weeks thereafter 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/01/2021

/ TRUE COPY /

/ /2021
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, NANGUNERI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMESWARAM, RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-187[I] dated 08/01/2021)

ORDER

IN

CRL OP(MD) No.68 of 2021

Date :07/01/2021

VRN

TK/PN/SAR.1/01.02.2021/4P/6C