



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

Date : 21/01/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.782 of 2021

Nelson

... Petitioner/Accused
Rank No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Vadamadurai, Dindigul District.
Crime No.10 of 2020.

... Respondent/Complainant

For Petitioner : Mr.B.Jameelarasu,
Advocate.

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

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

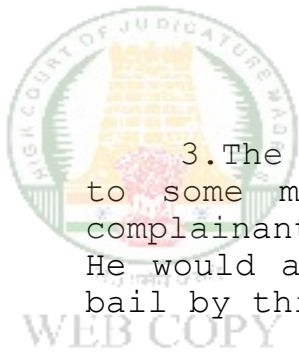
PRAYER :-

For Bail Crime No.10 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 16.12.2020 for the offences punishable under Sections 294(b), 498(A), 354(B), 506(i) of IPC on the file of the respondent police seeks bail.

2.The defacto complainant in this case is the wife of the petitioner. The case of the prosecution is that the marriage between the petitioner and the defacto complainant was solemnized on 09.02.2020 and and the father of the petitioner herein mis behaved with the defacto complainant and the mother of the petitioner tortured the defacto complaianant demanding more dowry and all the family members of the petitioner herein criminally intimidated the defacto complainant. Hence the complaint.



3.The learned counsel for the petitioner would submit that due to some misunderstanding between the petitioner and the defacto complainant a false case has been foisted against the petitioner. He would also submit that A3 in this case was granted anticipatory bail by this Court on 30.07.2020.

4. The learned Government Advocate(Crl.Side) would submit that the marriage between the petitioner and the defacto complainant was solemnized on 09.02.2020 and and the father of the petitioner herein mis behaved with the defacto complainant and the mother of the petitioner tortured the defacto complainant demanding more dowry and all the family members of the petitioner herein criminally intimidated the defacto complainant. He would also submit that A3 in this case was granted anticipatory bail by this Court on 30.07.2020.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that three different set of allegations have been levelled against A1/husband, A2/father-in-law and A3/mother-in-law of the defacto complainant 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, Judicial Magistrate Level, Dindigul.

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/-
21/01/2021

/ TRUE COPY /

WEB 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 ADDITIONAL MAHILA COURT,
JUDICIAL MAGISTRATE LEVEL, DINDIGUL.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VADAMADURAI, DINDIGUL DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.782 of 2021
Date :21/01/2021

AAV
TK/VR/SAR.3/21.01.2021/3P/6C