



WEB COPY

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

Date : 02/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3226 of 2021

Oorkavalan @ N.Urkavalan,
(Wrongly Mentioned as Oorkavalan in Crime.
No.26 of 2016 Instead of N.Urkavalan)

... Petitioner/Accused No.1

Vs

The Inspector of Police,
All Women Police Station, Melur,
Madurai District.
Crime.No. 26 of 2016..

... Respondent/Complainant

For Petitioner : M/s.Ganesh Prabu R,
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.26 of 2016 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 354(A),
498(A) and 506(i) of IPC, in Crime No.26 of 2016, on the file of
the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the petitioner's son namely., Pradeep Kumar married the defacto complainant on 11.12.2009. The parents of the defacto complainant gave 30 sovereigns of gold and valuables worth about Rs.5 Lakhs at the time of marriage as dowry. The defacto complainant and the petitioner's family members resided in the same house. Thereafter, the petitioner's family members demanded additional dowry. Hence, the defacto complainant left the matrimonial home and lodged the present complaint.

3. The learned counsel for the petitioner submitted that the petitioner and his wife are retired government employees. The petitioner is the Father-In-Law of the defacto complainant. The petitioner's son and the defacto complainant harassing the petitioner to transfer all the properties in their name. Since, the petitioner refused the same, a false complaint is registered against him.

4.The learned Government Advocate (Crl. Side) submitted that the crime is of the year 2016. He further submitted that the investigation in this case is completed and charge sheet has been filed before the learned Judicial Magistrate, Melur, and the same is taken on file in C.C.No.44 of 2016.

5.Considering the facts and circumstances of the case and also considering the fact that the crime is of the year 2016, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

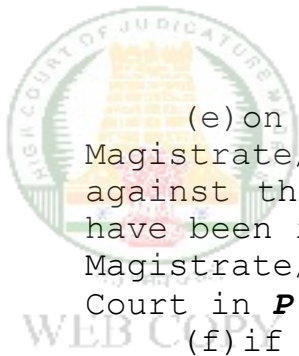
6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (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 Trial Court on all hearings.

(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/-

02/03/2021

/ 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,
MELUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MELUR,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3226 of 2021

Date : 02/03/2021

NR/VR/SAR-III (08.03.2021) 3P:5C