



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.10481 of 2021

Felix Xavier

... Petitioner/Accused 1

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Marthandam, Kanyakumari District.
(Crime No.24 of 2021).

... Respondent/Complainant

For Petitioner : Mr.S.Sivakumar,
Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

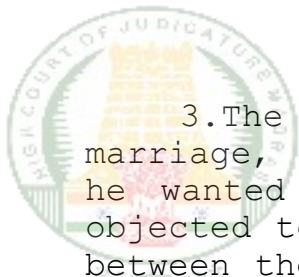
PRAYER :-

For Anticipatory Bail in Crime No.24 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 294(B), 506(1) IPC and Sections 3(1), 4 and 6 of the Dowry Prohibition Act in Crime No.24 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the defacto complainant is a love marriage. At the time of marriage, the parents of the defacto complainant provided 90 sovereigns of gold jewels, Rs.3 Lakhs and sreethana articles, worth about Rs.1 lakh to the defacto complainant. After marriage, the petitioner and other in-laws, harassed the defacto complainant by demanding additional dowry of Rs.5 Lakhs. Therefore, the present case came to be registered.



3.The learned counsel for the petitioner submitted that after marriage, the petitioner got a job opportunity in abroad. However, he wanted to settle down in India, but the defacto complainant objected to the same and therefore, there was some misunderstanding between them. He further submitted that the defacto complainant has filed a suit in O.S.No.84 of 2019 before the Principal District Munsif Court, Padmanabhapuram praying for maintenance. In the said suit, the petitioner entered appearance and the matter was referred to Lok Adalat. However, the defacto complainant did not appear before the Lok Adalat.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that this case has been registered on the basis of direction of the learned Judicial Magistrate No.II, Padmanabhapuram in Cr.M.P.No1948 of 2020, dated 21.11.2020 and the investigation is still pending. He further submitted that totally six persons are shown as accused in this case and anticipatory bail was granted to A2 to A6 on 16.04.2021.

5.Considering facts and circumstances of the case and the fact that the petition for maintenance is pending before the Principal Munsif Court, Pandmanabhapuram in O.S.No.84 of 2019, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Padmanabhapuram 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 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 respondent police daily at 10.30 am., until further orders.

[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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/08/2021

/ 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 NO.II,
PADMANABHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARTHANDAM, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-5094[I] dated 05/08/2021)

ORDER
IN
CRL OP(MD) No.10481 of 2021
Date :03/08/2021

gns
USK/PN/SAR-III : 09/08/2021 : 3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>