



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

Date : 10.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11046 of 2021

Paster Suvisesha Rajakumar ... Petitioner/Accused No.2
Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
Crime no.18/2021

... Respondent/Complainant

For Petitioner : Mr.S.Sivakumar,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate(Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime no.18 of 2021 on the file of the respondent Police.

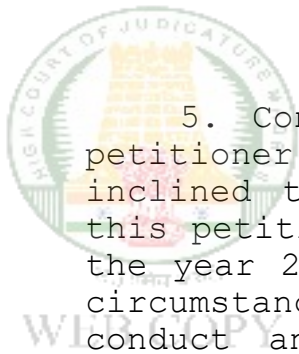
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498A and 406 of IPC and Sections 3(1) and 4 of the Dowry Prohibition Act in Crime No.18 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused demanded dowry from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submits that the marriage between the first accused and the defacto complainant took place in the year 2005 and this petitioner is arrayed as second accused, who is the brother of the first accused.

4. The learned Government Advocate (Criminal Side), opposed this petition on the ground that the accused persons are still absconding. The case was registered on 13.02.2021 and the investigation is yet to be completed.



5. Considering the nature of offence and the fact that this petitioner is only the brother of the first accused, this Court is inclined to grant anticipatory bail to the petitioner and hence, this petition is allowed. Further, the marriage had taken place in the year 2005 and this complaint was lodged on 13.02.2021. In the circumstances of the case, the respondent Police is directed to conduct an enquiry and find out the possibility of settlement between the parties.

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 Judicial Magistrate No.1, Kuzhithurai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the Magistrate concerned and on further conditions 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 the 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/-
10/08/2021

/ 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT 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 Mr.S.SIVAKUMAR, Advocate SR.No.5322

ORDER
IN
CRL OP(MD) No.11046 of 2021
Date :10/08/2021

SS/VR/SAR-II/18.08.2021 : 3P/6C