



WEB COPY

CRL OP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.6344 of 2022

Durka Arun Kumar

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Thoothukudi District.
Crime.No. 46 of 2020.

... Respondent/Complainant

For Petitioner : M/s. Ananth C.Rajesh,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

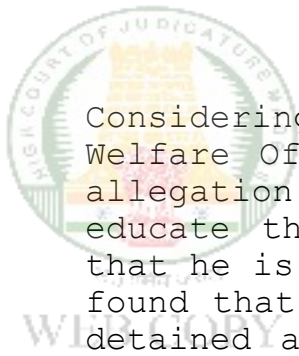
For Anticipatory Bail in Crime No.46 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 and 506(i) of IPC, in Crime No.46 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner/first accused and the defacto complainant was solemnized on 22.01.2015, as per the Hindu Rites and Customs. After marriage, the petitioner and the defacto complainant living together without any trouble in Japan. Now the petitioner is in Japan and the defacto complainant is in India. The defacto complainant did not return to Japan, for which, a quarrel arose between them. In the mean time, the petitioner received an advocate notice from the petitioner for divorce.

<https://www.mca.in/cas/index>



Considering the issue, the matter was referred to the Welfare Officer, wherein, the parties did not appear. The further allegation against the petitioner is that he has given a promise to educate the defacto complainant and also given a false statement that he is having own house. After marriage, the defacto complainant found that her husband addicted to video games and also her in-laws detained all her jewels. The accused persons harassed the defacto complainant and thereafter, the defacto complainant went to her parental home and delivered a female child, even then, the petitioner did not take care of the child.

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

4. The learned counsel for the petitioner submitted that after receiving the divorce notice, the defacto complainant lodged a compliant and also submitted that the co-accused were granted anticipatory bail.

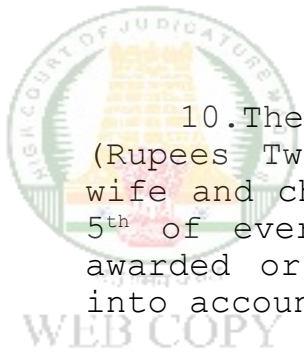
5. On perusal of enquiry report, it shows that there was no evidence to show that the accused persons demanded dowry from the defacto complainant and it also shows that some sort of trouble arose between the parties over which, the petitioner issued notice and the said issue was not disclosed. The defacto complainant also filed a divorce petition.

6. After hearing both side submissions, this Court referred the matter before the Mediation Centre, wherein the issue was not settled for unknown reasons.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, however, with stringent conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate No.4, Thoothukudi, and 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 learned Magistrate concerned; and the petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.



10. The petitioner is directed to pay a sum of Rs /- (Rupees Twenty Five Thousand only) as monthly maintenance to the wife and children. The maintenance amount must be paid on or before 5th of every month of English calendar and if any maintenance is awarded or rendered by any Civil Court, this matter may be taken into account.

sd/-
08/08/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

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

+1. CC to M/S. ANANTH C. RAJESH Advocate SR.No.8316

ORDER
IN
CRL OP(MD) No.6344 of 2022
Date : 08/08/2022

RK/SVR/SAR-IV (01/09/2022) 3P/6C