



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

Date : 28/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.19127 of 2022

Mathiyalagan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Sivagangai District.
Crime No.19 of 2015.

... Respondent/Complainant

For Petitioner : M/s.Senthil D, Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in the event of their arrest in C.C No.31 of 2019 on the file of the Additional Mahila Court, Sivagangai in Crime No.19 of 2015 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police on the basis of the absconding Charge sheet filed against him in C.C.No.31 of 2019 on the file of the Additional Mahila Court, Sivagangai in Crime No. 19 of 2015 on the file of the respondent police for the offence under Sections 498(A) and 406 IPC and Section 4 of Tamil Nadu Dowry Prohibition Act, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is the husband of A1 and he has demanded more money as additional dowry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this Court by order, dated 10.01.2018 granted anticipatory bail to the petitioner, but, due to the avocation of the petitioner, he has not complied the said condition imposed by this court and seeks anticipatory bail.



4.The learned Government Advocate (Crl.Side) would submit at this Court has already granted anticipatory bail to the petitioner in Crl.O.P(MD).No. 467 of 2018, but, without complying the said condition he went to abroad and strongly opposed to grant anticipatory bail to the petitioner.

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5.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute between the husband and wife, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Sivagangai 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 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 surrender the passport before the concerned Magistrate Court on or before 09.11.2022;

(c) the petitioner shall appear before the concerned Court on each and every hearing date without fail;

(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/-

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/11/2022

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



TO

1 THE JUDGE, ADDITIONAL MAHILA COURT, SIVAGANGAI.

2 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.19127 of 2022

Date :28/10/2022

TRP

RS/VR/SAR.2(14.11.2022) 3P-6C