



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

Thursday, the Eighth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18251 of 2015

GOVINDARAJ

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVERUMBUR,
TRICHIRAPPALLI.
CRIME NO. (17/2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.MUTHUKRISHNAN Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

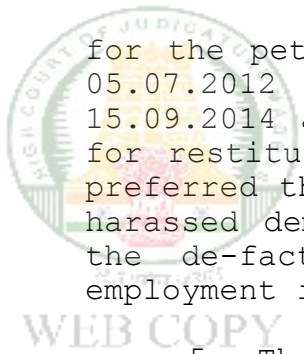
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 323, 324, 498(A), 506(ii) of I.P.C., and Sections 3 and 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prevention of Harassment of Women Act, 2008 Crime No.17 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the de-facto complainant that she married the first accused on 05.07.2012 and at the time of marriage, she was provided with 20 sovereigns of gold jewels and cash of Rs.40,000/- and apart from that, the de-facto complainant's father spent Rs.2 lakhs towards marriage expenses. The first accused demanded Rs.5 lakhs even before the marriage to get permanent employment in BHEL and after the marriage, the accused have harassed the de-facto complainant demanding additional dowry and she was also physically harassed by the accused.

3. The learned counsel for the petitioner submitted that the father-in-law of the petitioner was an employee in BHEL, Tiruchirapalli and the petitioner was already an employee in BHEL and therefore, the allegation that the de-facto complainant paid Rs.5 lakhs for securing employment is false.

4. It is further submitted that due to matrimonial dispute, the first accused has filed H.M.O.P.(MD).No.412 of 2014 before the Principal Sessions Court, Tiruchirapalli seeking divorce and the de-facto complainant has also filed a case under Section 125 of Cr.P.C., demanding maintenance from the petitioner and both the cases are pending. The learned counsel



for the petitioner further submitted that the marriage was performed on 05.07.2012 and the first accused has filed a petition for divorce on 15.09.2014 and the de-facto complainant has filed H.M.O.P.No.768 of 2014 for restitution of conjugal rights on 04.08.2014 and on 18.09.2014, she preferred the present complaint alleging that from the year 2012, she was harassed demanding dowry. It is further submitted that the intention of the de-facto complainant is to see that the petitioner loses his employment in BHEL, by arresting him in a criminal case.

5. The learned Government Advocate (Crl.side) submitted that the earlier application was dismissed on 07.09.2015 and major part of the investigation is over.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate No.VI, Tiruchirapalli 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 on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
08/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI, TIRUCHIRAPPALLI
- 2 DO THRO THE CHEIF JUDICIAL MAGISTRATE, TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THIRUVERUMBUR, TRICHIRAPPALLI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT MAUDRAI

+1. CC to M/S S.MUTHUKRISHNAN Advocate SR.No.59466.

ORDER
IN
CRL OP(MD) No.18251 of 2015
Date :08/10/2015

AM/16.10.2015/SK.SKN/SAR-I/2P/6C