



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

Date : 22/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9758 of 2019

Manimaran

...Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
All Women Police Station,
Thiruverumbur,
Trichy District.
Crime No.10/2019

... Respondent/Complainant

For Petitioner : M/s.K.Sivabalan,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

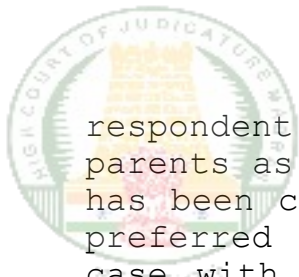
For Anticipatory bail in Cr.No.10 of 2019 on the file of the respondent Police.

ORDER:

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 417, 294(b), 323, 406, 506(ii) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.10 of 2019, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in the above case. He further submitted that the marriage between the petitioner and the defacto complainant was solemnized on 10.06.2018. Due to some family quarrel, the defacto complainant left the matrimonial home and lived with her parents and lodged a false complaint against the petitioner. He further submitted that already the defacto complainant voluntarily left the matrimonial home in the month of November 2018 itself and preferred a complaint before the



respondent police on 14.12.2018 against the petitioner and his parents as they were demanding additional dowry. The said complaint has been closed after enquiry. But the defacto complainant, again, preferred this false complaint and roped the petitioner into this case with false allegations. Therefore he prayed to grant bail to the petitioner.

4. The learned Government Advocate (criminal side) for the respondent has submitted that after the marriage between the petitioner and the defacto complainant, the petitioner did not go for any job either abroad or even in his town and addicted to bad vices like drinking and womanizing and started harassing the defacto complainant to bring additional dowry of Rs.1.15 lakhs for which she refused. In such circumstances, wordy quarrel arisen and the defacto complainant was thrown out of the matrimonial house. Hence, the defacto complainant has lodged the complaint against the petitioner herein and therefore, she opposed the anticipatory bail application.

5. In the complaint, which was lodged by the defacto complainant before the respondent police, she has stated that the petitioner informed her before marriage, as he was a Diploma holder in Mechanical Engineering, but, subsequently, she came to know that the petitioner is not a Diploma holder, he got only an apprentice certificate in I.T.I. She further stated that when she questioned the same with her father-in-law, he told her, whether they gave it in writing. But in the complaint, nowhere she has stated that the petitioner has informed her that he was working in the company at Saudhi. Further, she has stated in the said complaint that the petitioner has not put his father's name as initial instead, he has put some other person's initial and that also raised doubt over his birth. Further, she herself gave a letter to the respondent police that after examination is over, she will go to her husband's house, but, subsequently, she has lodged another complaint on 27.06.2019, stating that the petitioner and his parents causing cruelty by demanding dowry.

6. Taking into consideration of the fact that on the previous occasion, the defacto complainant herself has stated before the police that she will go to her husband's house to lead a marital life, but, subsequently she changed her mind and lodged the present complaint, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Additional Mahila Court (Magistrate Level), Trichy District, 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 condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the the petitioner shall not abscond either during investigation or trial.

(v) 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 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/07/2019

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

TO

- 1.THE JUDGE,
ADDITIONAL MAHILA COURT(MAGISTRATE LEVEL),
TRICHY DISTRICT.
- 2.THE CHIEF JUDICIAL MAGISRTATE, TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVERUMBUR,TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9758 of 2019
Date :22/07/2019

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TK/VR/SAR.4/08.08.2019/3P/5C