



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7540 of 2020

G.Jagadeesh

... Petitioner/1st Accused

Vs

1. State rep. by
The Inspector of Police,
All Women Police Station,
Thiruverumbur
Cr.No. 12/2020.

2. V.Gayathri
(R2 Suo Motu impleaded as Per Order
of This Court dated 22/07/2020 in
CRL OP(MD) No.7540/2020 by VBDJ)

... Respondents/Complainants

For Petitioner : Mr.T.A.Punithan,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

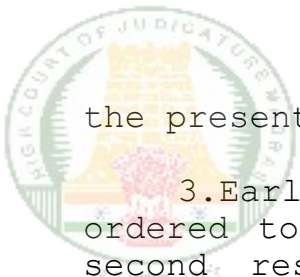
PRAYER :-

For Anticipatory Bail in Crime No. 12 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at
the hands of the respondent police for the offences punishable under
sections 294(b), 498(A), 323 and 506(i) of IPC r/w Sections 4 and 6
Dowry Prohibition Act, in Crime No.12 of 2020 on the file of the
respondent police, seeks anticipatory bail.

2.Totally there are four accused in this case. The case of the
prosecution is that the petitioner is the husband of the defacto
complainant. The marriage between the petitioner and the defacto
complainant was solemnized in the year 2017. Thereafter, the
petitioner said to have demanded dowry from the defacto complainant.
That apart, all other accused said to have harassed her. Hence,



the present complaint.

3. Earlier when the matter came up for hearing, a notice was ordered to the defacto complainant and she has been added as the second respondent in this petition. Even today, there is no representation on behalf of the second respondent/defacto complainant.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that due to family dispute, the petitioner has been falsely implicated in this case. He further submitted that there was no demand of dowry. Hence, he seek anticipatory bail.

6. The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that the petitioner and his family members said to have demanded additional dowry from the defacto complainant and harassed her. He further submitted that A2 to A4 have already been granted anticipatory bail by the Court below.

7. Considering the facts and circumstances of the case and also considering the fact of case and the co-accused have already been granted anticipatory bail by the Court below, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate VI, Thiruchirappalli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

(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 the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness service courts in his 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/08/2020

/ TRUE COPY /

/ /2020
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.

TO

1. THE JUDICIAL MAGISTRATE VI, TIRUCHIRAPPALLI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVERUMBUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7540 of 2020
Date :27/08/2020

VSG

<https://hseervices.ecourts.gov.in/hseServices/> SPS/ AKM/ SAP-III/ 01.09.2020/ 3P/5C