



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13340 of 2020

Maharajan

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Tirunelveli,
Tirunelveli District.
Crime No.4 of 2020

... Respondent/Complainant

For Petitioner : Mr.M.Murugesan, Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Criminal Side)

For Intervener : Mr.Vidhya Sagar, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.4 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehending arrest at the hands of the respondent police for the offence punishable under sections 498(A), 406, 506(ii) IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.4 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the petitioner and the defacto complainant on 06.11.2016. After marriage, the petitioner and other accused persons are harassing the defacto complainant and demanded additional dowry from the defacto complainant. Thereafter, the defacto complainant was driven out from the matrimonial home. Hence, the case has been registered.

3.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the intervener/defacto complainant and the learned Government Advocate (Criminal Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner never demanded any additional dowry from the defacto complainant. He further submitted that A2 was granted bail by this Court and A3 was granted anticipatory bail by the Sessions Court, Tirunelveli.

WEB COPY

5.Mr.Vidhya Sagar, learned counsel appearing for the defacto complainant/intervenor strongly opposed to grant anticipatory bail to the petitioner.

6.The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that due to matrimonial dispute between the petitioner and the defacto complainant, the petitioner and other accused persons have demanded additional dowry and also harassed her.

7.Considering the facts and circumstances of the case, this Court is 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, 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:

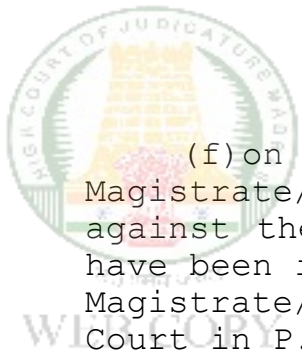
(a)the petitioner and the defacto complainant are directed to appear before the District Mediation and Conciliation Centre, Tirunelveli on 04.12.2020. If the petitioner is failed to appear before the District Mediation and Conciliation Centre, Tirunelveli, the anticipatory bail granted to the petitioner shall stand automatically cancelled;

(b)the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(c)the petitioner shall report before the respondent police daily at 10.00 a.m., without fail, for a period of four weeks and thereafter as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation



(f) 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;

(g) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/11/2020

/ 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 NO.III, TIRUNELVELI.
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER IN-CHARGE,
DISTRICT MEDIATION AND CONCILIATION CENTRE,
TIRUNELVELI.

ORDER IN

CRL OP(MD) No.13340 of 2020

Date :24/11/2020

VSD

SRS/AKM/SAR-IV/30.11.2020/3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>