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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/12/2020

PRESENT

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

CRL OP(MD) . No.15165 of 2020

Saravanan

... Petitioner/Accused No.1

Vs

State rep.by its
The Inspector of Police,
All Women Police Station,
Ramanathapuram.
(Crime No. 20 of 2020).

... Respondent/Complainant

For Petitioner : Mr.S.Sukumar,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No. 20 of 2020 on the file of 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), 323, 498(A) and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, and Section 4 of Dowry Prohibition Act, 1961, in Crime No.20 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The petitioner is the husband of the defacto complainant. The case of the prosecution is that the marriage between the defacto complainant and the petitioner took place in the year 2017, at that time, the parents of the defacto complainant has given a sufficient dowry. Thereafter, the petitioner and others said to have demanded dowry from the defacto complainant and also harassed her and driven her out from the matrimonial home. Hence, the present complainant.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that absolutely there is no demand of dowry and all the allegations are false. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police opposing this bail application by submitting that the petitioner and others demanded dowry from the defacto complainant and also harassed her and driven her out from the matrimonial home.

6. Considering the facts and circumstances of the case and also considering the fact that there is no serious allegations against the petitioner and there is no demand of dowry, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Additional Mahila Fast Track Court, Ramanathapuram, 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 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 daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

(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

<https://hccourts.courts.gov.in/Kcse/15165> *Shriji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;



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

sd/-
18/12/2020

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/ /2021

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 JUDGE,
ADDITIONAL MAHILA FAST TRACK COURT,
RAMANATHAPURAM.
 - 2.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAMANATHAPURAM.
 - 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.SUKUMAR Advocate SR.No.8359

ORDER
IN
CRL OP(MD) No.15165 of 2020
Date :18/12/2020

vsg
AE/KV/SAR-II (06/01/2021) 3P / 5C