



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.20881 of 2021

Rajkumar

... Petitioner

Versus

State Rep by
The Inspector of Police,
All Women Police Station,
Thiruthani,
Thiruvallur District
(Crime No. 1 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.1 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offences under section 498(A), 294(b) and section 4 of Dowry Prohibition Act, in Crime No.01 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage of the petitioner and the defacto complainant was performed in the year 2018. It is alleged that the petitioner harassed the defacto complainant by demanding more dowry. It is further alleged that the petitioner chased away the defacto complainant from her matrimonial home. Hence the defacto complainant lodged a complaint against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner filed a divorce petition against the defacto complainant before the trial Court in O.P.No.1626/2021. He further submits that he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for



grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the petitioner harassed the defacto complainant by demanding more dowry. he further submits that investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case as it is family dispute, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No. I, Tiruvallur 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 is directed to report before the respondent police on every Saturday at 10.30.a.m., until further orders.

[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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

19/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTHANI, TIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR.No.13133

CRL OP.20881/2021

Date :19/11/2021

APN 24/11/2021