



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

Date : 27/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.791 of 2021

Mohana Prasanth

... Petitioner/A-1

Vs

State rep.by,
The Inspector of Police,
All Women Police Station,
Tirupparankundram,
Madurai District.
(Cr.No.10/2020).

... Respondent/Complainant

For Petitioner : Mr.S.Ravi
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

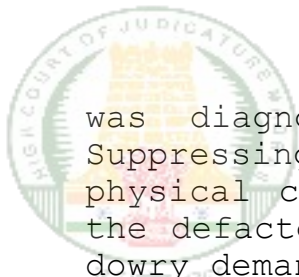
PRAYER :- For Anticipatory Bail in Crime No.10/2020 on the file of the Respondent Police.

ORDER :The Court made the following order :-

The petitioner/Accused No.1, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498-A, 406, 506(i) of I.P.C., seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and the petitioner had taken place on 05.03.2020. The petitioner is M.Tech Graduate and working as Divisional Manager at Ingenerie Technologies, Chennai. The defacto complainant is the house wife and she is also an Engineering Graduate. The petitioner and other accused have demanded a seven seater car and a house at Chennai from the defacto complainant and harassed her. Further on 16.03.2020, the defacto complainant left the matrimonial home. The gold jewels presented through her marriage had been retained by the petitioner and other accused.

3.The contention of the petitioner is that the marriage between the defacto complainant and the petitioner is an arranged marriage. The defacto complainant is suffering from skin disease and several scratches all over her body and she was taken treatment and it



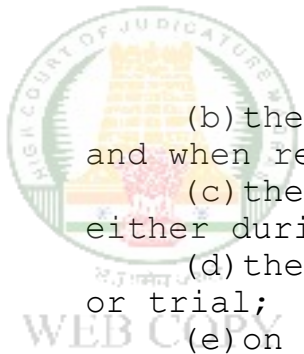
was diagnosed as genetic problem, which cannot be rectified. Suppressing the same, the marriage had been conducted and due to physical condition, no collaboration had taken place. Thereafter, the defacto complainant went to her parental house and there was no dowry demand. Due to wreck vengeance, the defacto complainant added the entire family members as accused. Further, there was an enquiry conducted by the Social Welfare Officer/Dowry Prohibition Officer. The Dowry Prohibition Officer by a report, dated 07.01.2021 had given a finding that there was no demand of dowry. Prior to this complaint, the father of the defacto complainant on 01.06.2021 had lodged a complaint before the Anti Dowry Cell, Madurai City vide C.No.37/AC-ADC/MC/20 and the same was enquired and closed. He further submitted that A-2 to A-7 were already granted anticipatory bail by this Court in Crl.O.P(MD) No.7521 of 2020 dated 24.09.2020.

4.The learned Government Advocate (crl.side) appearing for the respondent police submitted that the petitioner had already moved the anticipatory bail in Crl.O.P(MD) No.12578 of 2020 which was later dismissed as withdrawn. This is a second bail application. The marriage between the defacto complainant and the petitioner had taken only on 05.03.2020 and within four months she was chased out from the matrimonial house on 16.07.2020. Further there was an allegation that the petitioner and other accused had demanded a seven seater car and a house at Chennai. From the report of the Dowry Prohibition Officer, it is seen that the defacto complainant had not produced any documents and she produced the same before the concerned Magistrate Court and that is the reason, such report has been given by the Dowry Prohibition Officer. He further submitted that the investigation has been completed and the charge sheet made ready and awaited for approval from the learned Additional Public Prosecutor, District Court.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is a matrimonial dispute and custodial interrogation is not necessary in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila court (Judicial Magistrate Level), Madurai, 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



(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 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]***; and;

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

sd/-

27/01/2021

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

ORDER

IN

CRL OP(MD) No.791 of 2021

Date :27/01/2021

CP

PK/JC/SAR-III/02.02.2021 : 3P/5C

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