



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.973 of 2021

Lakshmikandhan

... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.04 of 2020)

... Respondent/Complainant

Sangeetha

... Petitioner/Intervener

For Petitioner : Mr.M.Prabhu,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

For Intervener : Mr.C.Mayilvahan Rajendran, Advocate.

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

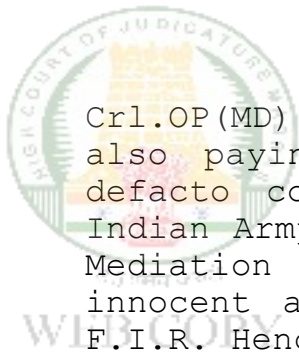
PRAYER :-For Anticipatory Bail in Crime No.04/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 498(A) and 506(ii) I.P.C and Section 4 of Dowry Prohibition Act, in Crime No.04 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The allegation in the complaint is that the petitioner married the defacto complainant out of love affair. After marriage, the petitioner and other accused demanded 50 sovereigns of gold jewels as dowry from the defacto complainant and therefore, she attempted to commit suicide. Hence, the complaint.

3.The learned counsel for the petitioner submits that accused <https://hcservices2.courts.gov.in/hcservices/> already granted anticipatory bail by this Court in



Crl.OP(MD).No.6188 of 2020 dated 12.06.2020 and this petitioner is also paying a sum of Rs.5,000/- as monthly maintenance to the defacto complainant. The petitioner is working as a Soldier in Indian Army in Punjab and therefore, he could not appear before the Mediation Centre. He further submitted that the petitioner is an innocent and he has not committed any offence as alleged in the F.I.R. Hence, he seeks anticipatory bail to the petitioner.

4.Heard the learned counsel for the petitioner; learned Government Advocate (Crl.Side) for the respondent and the learned counsel for the Intervener.

5.It is a matrimonial dispute. At request of the learned counsel for the petitioner and the learned counsel for the defacto complainant, the matter was already referred to the Mediation and Conciliation Centre attached to this Bench on 25.01.2021, however, no compromise was arrived between the parties.

6.Considering the nature of offence and the present position of the petitioner that he is working in Punjab, this Court is inclined to grant Anticipatory Bail to the petitioner with certain conditions. 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 learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District, 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 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 learned 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 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/08/2021

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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 JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.973 of 2021
Date :02/08/2021

MSA
MK/VR/SAR.I/09.08.2021/3P/5C