



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

Date : 08/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1722 of 2021

Arivalagan

... Petitioner/Accused Rank No.2

Vs

1.The State rep.by,
The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.
In Crime No. 10 of 2020.

2.K.Viji ... Respondents/Complainants

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

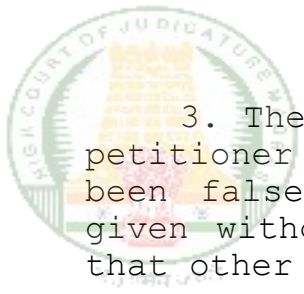
PRAYER :-

For Anticipatory Bail in Crime No.10 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
498(A), 354(b), 506(i) of IPC seeks anticipatory bail.

2.The defacto complainant in this case is the wife of the first
petitioner. The case of the prosecution is that the marriage
between the first petitioner and the defacto complainant was
solemnized on 09.02.2020 and and the father of the first petitioner
herein mis behaved with the defacto complainant and the mother of
the petitioner tortured the defacto complainant demanding more
dowry and all the family members of the petitioner herein criminally
intimidated the defacto complainant. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner being the father -in-law of the defacto complainant has been falsely implicated in this case and the complaint has been given without any iota of proof of evidence. He would also submit that other accused in this case were granted bail by this Court.

WEB COPY

4. The learned Government Advocate(Crl.Side) would submit that the marriage between the first petitioner and the defacto complainant was solemnized on 09.02.2020 and the father of the petitioner herein mis behaved with the defacto complainant and the mother of the petitioner tortured the defacto complainant demanding more dowry and all the family members of the petitioner herein criminally intimidated the defacto complainant. He would also submit that A3 in this case was granted anticipatory bail by this Court on 30.07.2020.

5. It is seen that though the allegations are made against the petitioner complaint has not been given immediately. A1 also informed the defacto complainant that he will not question about the father's activities to him. Despite the same, it is stated on 24.06.2020 there was a family compromise for demand of additional 20 sovereigns of jewels and in the said compromise nothing was spoken with regard to the allegation made by the petitioner herein.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that co-accused in this case was granted bail by this Court, 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 fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Judicial Magistrate Level, Dindigul 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 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/-

08/02/2021

/ TRUE COPY /

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

ORDER

IN

CRL OP(MD) No.1722 of 2021

Date :08/02/2021

AAV

PK/JC/SAR-IV/12.02.2021 : 3P/5C