



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

Date : 10/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3723 of 2021

Balakrishnan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Kanniyakumari District.
Crime No.06 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.06 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406,294(b), 506(ii) of IPC and Sections 4,6 of D.P.Act, 1961 seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner and one Bhavani was solemnized on 01.07.2018 and at the time of marriage 80 sovereigns of gold ornaments and Rs.7,00,000/- worth household articles were given as dowry. Thereafter the petitioner herein along with other accused started harassing the said Bhavani demanding more dowry. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him.

4. The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute and the investigation is pending.



5. It is seen that the marriage between the petitioner and one Bhavani was solemnized on 01.07.2018 and at the time of marriage 80 sovereigns of gold ornaments and Rs.7,00,000/- worth household articles were given as dowry. Further they demanded additional dowry and started harassing her. At the time of marriage the petitioner himself has projected that he was working as marine engineer and thereafter only the said Bhavani came to understand that the petitioner is not a Marine Engineer. In view of the same, the complaint has been lodged and thereafter it has been closed. Further as per the direction of the learned Judicial Magistrate, the present First Information Report has been registered.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is a matrimonial dispute 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, Nagercoil, Kanyakumari 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 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) after executing sureties the petitioner shall report before the respondent police for three days.

(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/-
10/03/2021

WEB COPY

/ 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 JUDGE,
ADDITIONAL MAHILA COURT, NAGERCOIL,
KANYAKUMARI DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANNIYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3723 of 2021
Date :10/03/2021

AAV
MS/PN/SAR-3/15.03.2021/3P.4C