



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

Date : 19/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5645 of 2021

Krishnamoorthi

... Petitioner/ A1

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Pudukottai,
Thoothukudi District.
Crime No.4 of 2021.

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

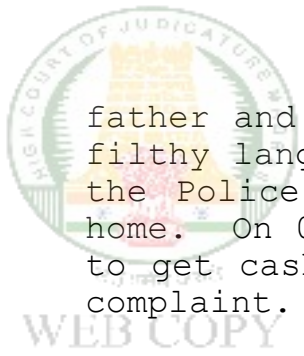
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.4/2021 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498-A, 294(b), 323 of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 5 of Dowry Prohibition Act, 1961 in Crime No.4 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and the first accused had taken place on 22.03.2019. From November 2019, they were living in Thoothukudi. A house was purchased in the name of the defacto complainant's mother-in-law in May 2019 by securing Bank Loan. Her husband was made to pay the loan amount. They were provided only Rs.4,000/- per month for family expenses. The defacto complainant was provided with 20 sovereigns gold jewels and one lakh case at the time of marriage. Her parents-in-law asked her to sell 10 sovereigns of gold jewels and get Rs.3,00,000/- from her parents. Demanding this, they sent the defacto complainant to her house. On 16.10.2020, at about 11.00 am, when the defacto complainant was in her house with her mother,



father and brother, her mother-in-law came there and scolded her in filthy language and beaten her with hands. She gave a complaint to the Police and after counseling, she went back to her matrimonial home. On 05.11.2020, at about 11.00 pm, the accused again asked her to get cash and jewels from her parents. Therefore, she gave this complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Further, he would submit that A2 and A3 had been granted anticipatory bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent opposed this petition on the ground that the investigation is not completed.

5. It appears that the matter was referred to Mediation. The learned counsel for the petitioner now submitted that Mediation has failed.

6. The facts of the case shows that the marriage between the defacto complainant and the first accused had taken place in the year 2019. Dowry harassment is said to have been made against the defacto complainant from the year 2020. This complaint is given only on 19.02.2021. This is a matrimonial dispute. Sending the petitioner to jail will jeopardise the possibility of their re-union. Mediation was also not successful. Therefore, this Court is of the view that the petitioner may be granted anticipatory bail with a direction to co-operate with investigation, so that, investigation could be completed and final report would be filed and trial would commence at the earliest. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.3, Thoothukudi, 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 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 daily 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/07/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

ORDER

IN

CRL OP(MD) No.5645 of 2021

Date :19/07/2021

MBI

MS/JC/SAR-1/26.07.2021/3P.5C