



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7152 of 2021

Adhavamoorthi

... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
All Women Police Station,
Sivagangai.
Crime No.15 of 2019.

... Respondent/Complainant

For Petitioner : Mr.Venkata Subramanian.P.,
Advocate.

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

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

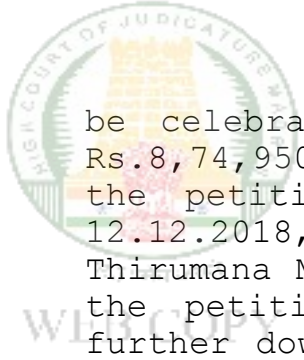
PRAYER :-

For Anticipatory Bail in Crime No.15 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 498(A) and 506(ii) of IPC and Section 4 of Dowry Prohibition Act 1961 and 4 of TN Prohibition of Harassment of Women Act, in Crime No.15 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and this petitioner were in love and without knowledge of their parents, they registered their marriage vide the marriage Registration Certificate No.193 of 2017 and thereafter, the petitioner went to Dubai. The de-facto complainant wanted to have a formal marriage celebrations and that the family members of the de-facto complainant intimated the same to the petitioner and his family members. Petitioner demanded to bring 100 sovereign gold, Rs.10 Lakhs cash and a car and said only then formal marriage will



be celebrated. Subsequently, the de-facto complainant deposited Rs.8,74,950/- to the petitioner's account. Believing the words of the petitioner, in order to celebrate the formal marriage, on 12.12.2018, the de-facto complainant's family members booked AMK Thirumana Mandapam by giving advance amount. The family members of the petitioner prevented him from coming from Dubai, demanding further dowry of 200 sovereign gold, car and Rs.25 Lakhs cash. It is also informed that if their requirement is not met, there will no marriage celebrations with the petitioner. Since the marriage was arranged as agreed by the petitioner and his family members and the marriage could not be held, the de-facto complainant and her family members suffered a lot and she attempted to commit suicide. Hence, this complaint.

3.This is the second anticipatory bail application.

4.The learned counsel for the petitioner submitted that the de-facto complainant has married one P.Arulmariya Xavier on 21.05.2021. In support of his submission, he produced the xerox copy of the marriage invitation. Therefore, under the change in circumstances, he seeks anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal side) for the respondent opposed this petition on the ground that investigation in this case is completed and final report has been filed.

6.Considering the facts and circumstances of the case and the fact that the investigation is completed and final report has been filed and also the fact that the de-facto complainant has married one P.Arulmariya Xavier on 21.05.2021 and under the change in circumstances, 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 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 No.1, Sivagangai, 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 not tamper with evidence or witness either during investigation or trial;



[c]the petitioner shall not abscond either during investigation or trial;

[d]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]**;

[e]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
06/07/2021

/ TRUE COPY /

/ /2021

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

SJI

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.1, SIVAGANGAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7152 of 2021
Date : 06/07/2021