



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.10.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10222 of 2021

Velmurugan

... Petitioner/Accused
(Rank Not Known)

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai City.
(Crime No.Not Known of 2021)

... Respondent/Complainant

For Petitioner : M/s.Senguttuarasan.P, Advocate

For Respondent : M/S.T.SENTHILKUMAR,
Additional Public Prosecutor(Crl.Side)

For Intervenor : M/S.C.KALAIARASU, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. Not Known of 2021 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), 323 and 498(A) IPC and Section 4 of Dowry Prohibition Act and Sections 3 & 4 of Tamil Nadu Woman Prohibition of Harassment of Woman Act seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. Their marriage was solemnised on 16.05.2010 and out of wedlock, they are having one female child. However, the petitioner harassed the defacto complainant demanding dowry. Hence this complaint.



3.The learned counsel for the petitioner submitted that the petitioner has filed a petition for divorce in H.M.O.P.No.850 of 2017 before the Family Court, Madurai. After receipt of the summon in that case, this false complaint has been lodged against the petitioner. The learned Counsel also relied on the undertaking of the defacto complainant given before the Oomatchikulam Police Station on 16.11.2021. Further, the petitioner has filed an undertaking affidavit that he is prepared to pay a sum of Rs.5,000/- to the defacto complainant as maintenance without prejudice to his rights in the maintenance application.

4.The learned Additional Public Prosecutor submitted that this matter was referred to the District Social Welfare Committee, but no amicable settlement was reached and the investigation in this case is yet to be completed.

5.Considering facts and circumstance of the case, non settlement of the issue and the undertaking of the petitioner to pay interim maintenance, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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.II, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required.

[c]the petitioner shall not tamper with the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
05/10/2021

/ TRUE COPY /

/ /2021

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

dsk

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.II,
MADURAI.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10222 of 2021
Date :05/10/2021

SP/SKN/SAR II/27/10/2021/3P/5C