



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12179 of 2021

Ajith,

... Petitioner/Accused No.6

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District
(Crime No. 31 of 2018).

... Respondent/Complainant

For Petitioner : MR.K.Vamanan,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate(Criminal Side)

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

PRAYER :-

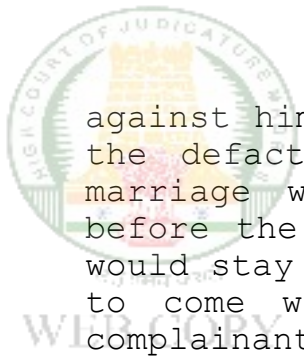
For Anticipatory Bail in Crime No. 31 of 2018 on the file of the respondent Police.

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 Section 420 of IPC in Crime No.31 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the parents of the first accused and the defacto complainant solemnized marriage between the defacto complainant and the first accused on 3.09.2019. At the time of marriage, the accused persons demanded huge amount and jewels as dowry and the defacto complainant alleged that without the knowledge of her parents she gave Rs.4,00,000/- by selling her jewels to the accused persons, but she has been driven out of the matrimonial home and cheated. Hence, the complaint.

3.Learned Counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution, but, a false case has been foisted



against him. He would further submit that the after their marriage, the defacto complainant and her parents informed that the first marriage was not yet dissolved and divorce petition is pending before the Court for final disposal. Therefore, till such time she would stay at her parents' house and thereafter she was not to ready to come with the first petitioner. This being so, the defacto complainant gave the present false complaint with concocted story against the entire family of the husband/first accused.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation has been completed and charge sheet was also filed and also submitted that this Court in Crl.O.P(MD).No.12658 of 2018 dated 09.10.2018 had granted anticipatory bail to the co-accused.

5.Considering the facts and circumstances of the case, the nature of allegation against the petitioner and also the fact that the co-accused has already been granted anticipatory bail, 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 Additional Mahila Court(Magistrate Level), Nagarcoil, 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 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 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 daily at 10.30 am., until further orders.

[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.

sd/-

03/09/2021

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/ /2021

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

TO

- 1 THE JUDICIAL ADDITIONAL MAHILA COURT
(MAGISTRATE LEVEL),
NAGERCOIL.
- 2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12179 of 2021

Date :03/09/2021

PKP/JC/SAR-3/27.09.2021/3P/5C