



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12044 of 2021

S.Iyyappan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
(in Crime No.13 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Thalaimutharasu.G,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

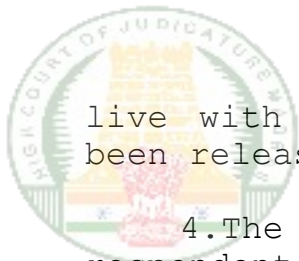
For Anticipatory Bail in Crime No.13 of 2021 on the file of the respondent Police.

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 294(b), 498(A), 406, 506(ii) of IPC r/w Section 4 of Dowry Prohibition Act, 1961, in Crime No.13 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant. After marriage, the petitioner had developed illegal intimacy with the second accused. When the same was questioned by the defacto complainant, the petitioner along with other accused abused the defacto complainant and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready to



live with the defacto complainant and the co-accused has already been released on anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the investigation is yet to be completed.

5.It appears from the records that the petitioner along with the accused No.3 to 5 got 40 sovereigns of gold jewels from the defacto complainant and sold the same to buy three cents of land in his name and he has also availed a loan of Rs.43,00,000/- by using salary certificate of the defacto complainant and the said loan was not repaid and the first accused is also having illegal intimacy with the second accused. The earlier application filed by the petitioner in Crl.O.P(MD) No.5745 of 2021 was dismissed by this Court on 22.04.2021 on the afore said grounds.

6.This Court, by order dated 01.09.2021, referred the matter to the District Social Welfare Committee to conduct enquiry and file a report. The District Social Welfare Officer has also filed a report confirming the aforesaid facts.

7.Considering the conduct and attitude of the petitioner and since there is no change of circumstance, this Court is not inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-
28/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.The Inspector of Police,
All Women Police Station, Nagercoil,
Kanyakumari District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to:
The Officer Incharge,
Social Welfare Committee,
Kanyakumari District.

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ORDER

IN

CRL OP (MD) No.12044 of 2021

Date :28/10/2021

RS/VR/SAR3 (15.11.2021) 3P 4C