



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/10/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.12181 of 2021

Maheswara Perumal ... Petitioner/Accused No.1

Vs

The state represented by
The Sub Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.
(Crime No. 8/2019). ... Respondent/Complainant

For Petitioner : M/s.Vishnuvarthanan.P.M.,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Government Advocate(crl.side)

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

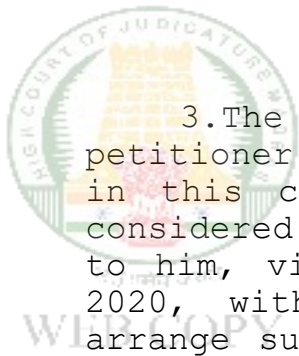
PRAYER :-

For Anticipatory Bail in Crime No.8 of 2019 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) and 506(ii) of IPC and Section 4 of Dowry Prohibition Act, in
Crime No.8 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is the wife of the petitioner/A1 and both were residing and working
in Dubai. Due to matrimonial dispute between the petitioner/A1 and
the defacto complainant, she returned to India. The allegation is
that the petitioner and his family members have demanded huge dowry
from the defacto complainant. Hence, she lodged a complaint before
the respondent police. However, the respondent police has not
registered the complaint filed by the defacto complainant. Hence,
she approached the learned Judicial Magistrate Court No.I, Sattur
seeking direction for registration of FIR. As per direction issued
by the learned Judicial Magistrate, the present FIR has been
registered. 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 this Court has already considered the case of the petitioner and granted anticipatory bail to him, vide order dated 05.10.2020, made in Crl.OP(MD)No.9311 of 2020, with certain conditions. But, the petitioners could not arrange sureties due to extraordinary circumstances and therefore, he has moved this second anticipatory bail application. Therefore the learned Counsel prayed for appropriate orders.

4.The learned Additional Public Prosecutor appearing for the respondent police admitted that the petitioners have already been granted anticipatory bail by this Court, in Crl.OP(MD)No.9311 of 2020, dated 05.10.2020 and that he has not complied with the conditions stipulated therein.

5.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 stating that there was no demand of dowry on the part of the petitioner.

6.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, and also the fact that there was no demand of dowry on the part of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.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.I, Sattur, 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 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 for interrogation.

[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/-
22/10/2021

/ TRUE COPY /

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

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

ORDER
IN
CRL OP(MD) No.12181 of 2021
Date :22/10/2021

SS/JM/SAR-IV/01.11.2021 : 3P/5C