



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/12/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.16155 of 2021

S.Ramasamy @ Prabhu

... Petitioner/Accused

Vs

The state represented by
The Sub Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai.

Crime No.5 of 2019

... Respondent/Complainant

For Petitioner : Mr.T.Dakshinamoorthy,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Shankar Ganesh,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No. 5 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 offence punishable under Sections 498(A),
406, 294(b) and 506(i) IPC, in Crime No.5 of 2019, on the file of
the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner married
the defacto complainant during the year 2011. At the time of
marriage, the parents of the defacto complainant gave 100 sovereigns
of gold jewels towards dowry. Thereafter, the petitioner demanded
more money from the defacto complainant for the purpose of starting
new business and also threatened her. Hence, the case.

3. This is the fourth anticipatory bail petition. When the
earlier anticipatory bail petition was taken up for consideration on
24.09.2021, the learned counsel for the defacto complainant that in
the anticipatory bail petition, the petitioner has mentioned his
address as "No.7/44, Bhajanai Kovil Street, Thathankuppam,
Villivakkam, Chennai - 600 049" and when the summons have been
issued in the maintenance case to the said address, the petitioner
has been evading the summons in order to drag on the maintenance
proceedings. Based on the said submission, the earlier anticipatory
bail petition was dismissed by this Court vide order dated



4. Today, when the matter is taken up for consideration, the learned counsel for the petitioner submits that the petitioner had entered appearance in M.C.No.40 of 2020 and had also filed his counter affidavit in the maintenance case.

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5. The learned counsel appearing for the defacto complainant has also confirmed the same.

6. In view of change in circumstances of the case, 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 Additional Mahila Court, Magistrate Level, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall report before the respondent Police as and when required for interrogation;

[c] the petitioner shall report before the Family Court, Madurai, on all hearing dates without fail, till the conclusion of maintenance case.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

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

[f] 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 is 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]**.

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

sd/-

21/12/2021

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/ /2022

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 ADDITIONAL MAHILA JUDGE,
MAGISTRATE LEVEL, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE SUB INSPECTER OF POLICE,
ALL WOMEN POLICE STATION, TALLAKULAM,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE JUDGE,
FAMILY COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16155 of 2021
Date :21/12/2021

SS/CN/SAR-I/06.01.2022 : 3P/6C