



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.17063 of 2021

S.Sree Hari Venkatesan

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Karur.

(Cr.No.12/2019) .

... Respondent/Complainant

For Petitioner : M/s.Natarajan N,
Advocate.

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

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

PRAYER :-

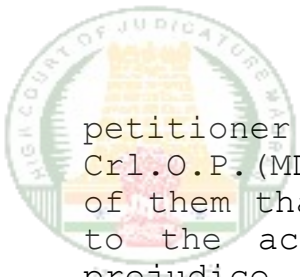
For Anticipatory Bail in Crime No. 12 of 2019 on the file of the respondent Police.

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 294(b), 323, 498(A), 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.12 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant got married in the year 2013 and out of wedlock, they blessed with a girl child. However, the petitioner and his parents have demanded more dowry from the defacto complainant and tortured her. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that when the parents of the



petitioner moved anticipatory bail application before this Court in Crl.O.P.(MD).No.19151 of 2019, a representation was made on behalf of them that they will ensure that a sum of Rs.15,000/- is remitted to the account of the defacto complainant every month, without prejudice to the other reliefs which the defacto complainant may claim before the jurisdictional court. On that basis, this Court granted anticipatory bail to the parents of the petitioner. The learned counsel for the petitioner claims that the petitioner is regularly paying the maintenance amount of Rs.15,000/- to the defacto complainant.

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

5.Considering the nature of allegation levelled against the petitioner and the fact that the petitioner is regularly paying the maintenance amount of Rs.15,000/- to the defacto complainant, 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.1, Karur, 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 daily at 10.30 a.m., 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/11/2021

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/ /2021

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

ssb

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.1, Karur.
2. -do-Through The Chief Judicial Magistrate, Karur.
3. The Inspector of Police,
All Women Police Station,
Karur.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.17063 of 2021
Date :02/11/2021

RD/VR/SAR-I (11.11.2021) 3P 5C