



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.4384 of 2022

Vijay

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
All Women Police Station,
Chengalpattu, Kanchipuram District.
(Crime No.18 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.18 of 2021, on the file of the respondent police.

For Petitioner : Mr.K.Karuppaiyamooppanar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 323, 498(A), 313, 506(1) of IPC r/w Sections 3 and 4 of Dowry Prohibition Act 1961, in Crime No.18 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that petitioner is the husband of the defacto complainant. Further, the petitioner had married the defacto complainant, and after the marriage, the petitioner along with his family members had abused the defacto complainant in filthy language and demanded dowry and harassed her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner married the defacto complainant, due to misunderstanding between them, the defacto complainant lodged a false complaint against the petitioner and his



family members. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) raised objection stating that the petitioner had married the defacto complainant and after the marriage, the petitioner along with his family members abused the defacto complainant in filthy language and demanded dowry and harassed her.

5. In view of the facts and considering the nature of the family issue between the parties, this Court referred the matter to Mediation and Conciliation Centre, Chengalpattu District through legal services for five sittings.

6. Considering the facts and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on her executing 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 Judicial Magistrate Additional Mahila Court, Chengalpattu, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police every Saturday at 10.30 a.m., for a period of two months and thereafter as and when required for an interrogation;

[c] the petitioner shall not tamper with 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 has 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]; and;



[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

03/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT,
CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
CHENGALPATTU, KANCHIPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILIATION CENTER,
HIGH COURT, MADRAS.

6 THE OFFICER IN CHARGE,
MEDIATION AND CONCILIATION CENTRE,
CHENGALPATTU

CC to M/S.K.KARUPPAIYAMOOPANAR Advocate on payment of
necessary charges Sr.3455

CRL OP.4384/2022

Date :03/03/2022

RVR 08/03/2022