



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12582 of 2022

K.L.RAJENDIRA PRASAD

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VILLUPURAM,
VILLUPURAM DISTRICT.
CRIME NO.40 OF 2022.

[RESPONDENT]

For Petitioner : M/S.M.KALAIYARASAN Advocate

For Respondent : M/S.V.MEGANATHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), , 294(b), 323, 506(i) of IPC read with Section 4 of TN Prohibition of Harassment of Women in Crime No.40 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner (A1) is the husband and the defacto complainant is his wife. The petitioner along with his family members continuously harassed her and demanded dowry. On 13.10.2021, the petitioner and his parents came to the defacto complainant's house, quarrelled with the defacto complainant and her parents and assaulted them using hands, legs and wooden log. Hence, the defacto complainant lodged a complaint before the respondent police.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. There was a misunderstanding between the couple. Due to which, the defact complainant went to her parents house and a false case has been foisted against the petitioner and his family members. Co-accused have released on bail in Crl.MP.No.3223 of 2022 dated 09.05.2022. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate would submit that due to demand of dowry, the defacto complainant lodged a complaint before the respondent police and the petitioner has filed a petition in HMOP.No.277 of 2022 before the Family Court, Chennai for restitution of conjugal rights. Co-accused have released on bail by the Court below.

5. Taking into consideration the facts and submissions of the learned counsel and also of the fact that co-accused have released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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 on which the order copy made ready, before the learned Additional Mahila Court, Villupuram, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for 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 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 229A IPC.

-sd/-

26/05/2022

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 ADDITIONAL MAHILA
COURT, VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VILLUPURAM, VILLUPURAM DISTRICT.

+1 CC to M/S.M.KALAIYARASAN Advocate on payment of necessary charges SR.NO. 7956

CRL OP.12582/2022

Date :26/05/2022

RW-31/05/2022