



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3032 of 2022

WEB COPY

Sathyaraj

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.
(Crime No.1 of 2022)

... Respondent/Complainant

S.Robina Jeyaseeli

... Petitioner/Defacto Complainant
in Crl.MP(MD)No.2428 of 2022

For Petitioner : Mr.C.Ezhilarasu,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For Intervenor : Mr.S.Muthukumar
Advocate

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.1 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 21.01.2022 for the offences punishable under Sections 498 (A), 294(b), 323, 109 and 506(1) IPC and 4 of TNPWH Act, in Crime No.1 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife and the petitioner and other accused demanded dowry from the defacto complainant and abused her in filthy language and threatened her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the marriage between the petitioner and the defacto complainant was solemnized on 12.05.2014 and that the petitioner has not harassed the defacto complainant and he has been falsely implicated in this case.



4.The learned counsel for the intervenor would submit that since the petitioner and the defacto complainant had no children, the petitioner had been harassing the defacto complainant and that the petitioner has also married another girl one Keerthana and is living with her.

5.The learned Additional Public Prosecutor would submit that the petitioner is in judicial custody from 21.01.2022 and that the petitioner is not having any bad antecedents.

6.Considering the fact that there existed matrimonial dispute and also the facts that the petitioner is in judicial custody from 21.01.2022 and that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing 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 Additional Mahila Magistrate Court, Sivagangai.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.00 p.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)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]***.

(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/02/2022

/ TRUE COPY /

15/02/2022

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.

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- TO
- 1 THE ADDITIONAL MAHILA MAGISTRATE,
SIVAGANGAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SIVAGANGAI
SIVAGANGAI DISTRICT.
 - 4 THE OFFICER INCHARGE,
SUB JAIL, RAMANATHAPURAM.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.EZHILARASU, Advocate (SR-1099[I] dated 15/02/2022)

ORDER
IN
CRL OP(MD) No.3032 of 2022
Date :15/02/2022

RS/MS/SAR.1 (15.02.2022) 3P-7C