



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20.04.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3034 of 2022

1. Sathyaraj
2. S.Murugan

... Petitioners/Accused 1& 2

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
(Crime No.3 of 2022)

... Respondent/Complainant

Krithika

... Petitioner/Intervener
In Cr1.MP(MD).2468/2022 in
Cr1.OP(MD).3034/2022

For Petitioners: Mr.J.IMRAN KHAN,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(Cr1.side)

For Intervenor : Mr.D.VENKATESH,
Advocate.

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

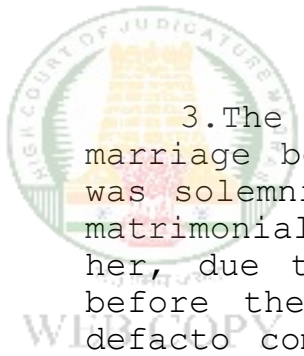
PRAYER :-

For Anticipatory Bail in Crime No.3 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 323 and 498(A) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.3 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have demanded dowry from the defacto complainant and harassed her. Hence, the complaint.



3.The learned counsel for the intervenor would submit that the marriage between the first petitioner and the defacto complainant was solemnized on 22.02.2021, that they are living together in the matrimonial home and at that time, the first petitioner harassed her, due to that, the defacto complainant has lodged a complaint before the All Women Police Station, Perur, that thereafter the defacto complainant left her matrimonial home and was living with her parents at Karaikudi, that the first petitioner with sole intention to get the criminal case withdrawn has joined with the defacto complainant and was living for 3 years with the defacto complainant and that thereafter he had again demanded more dowry and harassed her.

4.When the matter was taken up for hearing on 17.02.2022, considering the submissions made by the both the counsel, this Court referred the matter to mediation and that the mediation report is received stating that the mediation ended in failure.

5.It is not in dispute that the first petitioner has filed a petition in HMOP.No.1267 of 2021 for restitution of conjugal rights and the same is pending.

6.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

7.Considering the above facts and circumstances and also the nature of the charges levelled against the second petitioner, who is the father of the first petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

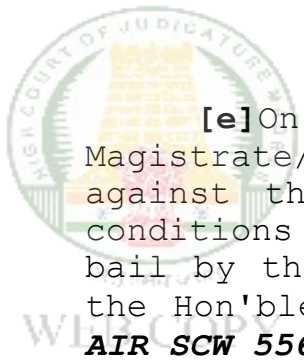
8.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, on condition that the second petitioner shall execute 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 second 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 second petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the second petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 229-A IPC.

9. Accordingly, considering the seriousness and gravity of the offence alleged against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this Criminal Original Petition is dismissed as against the first petitioner.

sd/-

20/04/2022

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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 JUDICIAL MAGISTRATE, KARAIKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.3034 of 2022
Date : 20/04/2022

SA/SVR/SAR.4/26.04.2022/3P/5C