



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

Date : 02/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3257 of 2022

Pandian : Petitioner/Accused Rank No.1

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Theni District.
(Crime No. 35 of 2021). : Respondent/Complainant

For Petitioner : M/s. Vishnu.J,
Advocate.

For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

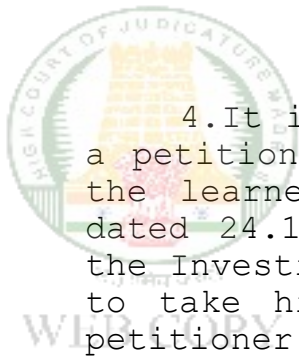
For Anticipatory Bail in Crime No. 35 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 498 (A), 406, 294(b), 506(i) IPC, in Crime No.35 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the defacto complainant was solemnized on 06.10.2021, at the time of marriage the petitioner received 15 sovereigns of gold jewels and Rs.1 lakh cash as dowry. Thereafter, the petitioner harassed the defacto complainant by demanding additional dowry, due to which, there arose wordy quarrel between them, the petitioner abused the defacto complainant and threatened her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.



4.It is not in dispute that the petitioner has previously filed a petition in Cr.MP.No.3994 of 2021, seeking anticipatory bail and the learned Principal District Sessions Judge, Theni, vide order dated 24.11.2021, has directed the petitioner to surrender before the Investigation Officer and the investigation Officer was directed to take him into custody and to interrogate and thereafter, the petitioner has to be released on execution of a bond and also imposed certain conditions. Since the petitioner has not complied with the said directions, he filed the above petition, seeking anticipatory bail and when the matter was taken up on 16.01.2022, considering the submission made by both sides, this Court directed the petitioner to appear before the respondent Police on 25.02.2022 at 11.00 am and on such appearance, the Investigation Officer was directed to proceed with the enquiry.

5.Today, the learned counsel appearing for the petitioner would submit that the petitioner has appeared before the respondent Police on 25.02.2022 as directed by this Court.

6.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner has appeared before the respondent Police and gave a statement.

7.Considering facts and circumstances of the case and also the facts that the learned Principal Sessions Judge has already granted anticipatory bail to the petitioner with the directions above stated and that the petitioner is not having bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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 of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila (JM Level), Theni District, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/03/2022

/ TRUE COPY /

/ /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.

TO

1. THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA (JM LEVEL) COURT,
THENI DISTRICT
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3257 of 2022
Date : 02/03/2022

USK/PN/SAR-II/08.03.2022/3P/5C