



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7171 of 2022

Mathavan

... Petitioner/ Sole Accused

Vs

State represented by
The Inspector of Police,
Papanasam All Women Police Station,
Thanjavur District.
(Crime No.8 of 2022)

... Respondent/Complainant

For Petitioner : Mr.M.Murugesan,
Advocate.

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

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

PRAYER :-For Bail in Crime No.8 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 10.03.2022 for the offences punishable under Sections 354 (c), 506(1) and 498(A) IPC and Section 4 of Women Harassment Act, in Crime No.8 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant previously loved the petitioner during their college days and thereafter, she was married to her maternal uncle son, namely, Udayamoorthi/second accused on 15.11.2022. After the marriage, the second accused and his sister/fourth accused along with the third accused harassed the de-facto complainant by demanding dowry and on knowing the said harassment, the petitioner contacted the de-facto complainant over phone and threatened her to come with him and while so, the petitioner uploaded her joint photo with him on social media alleged to have been taken in the year



2014-2015 with the help of the accused 2 and 4 and all the accused caused mental torture to the de-facto complainant. Hence, the complaint.

3.No doubt, the earlier application for bail filed by the petitioner in Crl.O.P.(MD)No.5649 of 2022 was dismissed by this Court vide order dated 28.03.2022.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

5.The learned Additional Public Prosecutor would submit that the petitioner is not having any previous cases.

6.Considering the above facts and circumstances and also the nature of the charges levelled against the petitioner and also the facts that the petitioner is in judicial custody from 10.03.2022 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 Principal Sessions Judge, Thanjavur.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge/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., for a period of one month and thereafter as and when required for interrogation;

(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 Sessions Judge/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 Sessions Judge/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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

19/04/2022

/ TRUE COPY /

19/04/2022

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 PRINCIPAL SESSION JUDGE,
THANJAVUR.
- 2 THE INSPECTOR OF POLICE
PAPANASAM AW POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.C.UTHAYAKUMAR, Advocate SR.No.19295 (F)

ORDER
IN
CRL OP(MD) No.7171 of 2022
Date :19/04/2022

CSM
MK/VR/SAR.III/19.04.2022/3P/6C