



WEB COPY

CRL OP(MD). 11



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11062 of 2022

Karumalaiyan

... Petitioner/Accused No.1

Vs

1.State Rep.by

The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
Crime No.29 of 2020.

... Respondent/Complainant

2.Anitha

... 2nd Respondent

(R2-Suo Motu impleaded as per order
of this Court dated 22.06.2022 in
CRL OP(MD).11062/2022 by GIJ)

For Petitioner : M/s.Venkatachalam D, Advocate
For R1 : Mrs.M.Aasha,
Government Advocate (Crl.Side)
For R2 : No Appearance

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

PRAYER :-

For Anticipatory Bail in Crime No.29 of 2020 on the file of the
Respondent Police.

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),
323, 506(i) of IPC, Section 4 of Dowry Prohibition Act, 1961 and
Section 4 of the Prohibition of Harassment of Women Act, 2002, in
Crime No.29 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the
first accused and the defacto complainant was solemnized on
23.06.2016. After marriage, there is some dispute arose between them



and also the petitioner and other accused harassed the complainant by demanding more dowry, threatened her and driven her out of the matrimonial home. Hence, the complaint.

3.The learned counsel for the petitioners would submit that there was no harassment or cruelty as alleged by the prosecution. Only with a view to harass the petitioner and their family members, a false case has been foisted against him. He would further submit that the petitioner filed a divorce petition, which is still pending. Further, the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (crl.side) appearing for the respondent police would submit it is a matrimonial dispute. Due to continuous harassment of the accused persons, this complaint was lodged by the defacto complainant and there is a serious allegation levelled against the petitioner. She would further submit that the petitioner is having illegal intimacy with another girl and investigation is not yet completed. Hence, she opposed for grant of anticipatory bail to the petitioner.

5.Considering the serious allegations levelled against the petitioner and also considering the strong objection raised by the prosecution and the stage of the investigation, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

24/11/2022

/ TRUE COPY /

/12/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.The Inspector of Police,
All Women Police Station,
Paramakudi, Ramanathapuram District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN

CRL OP(MD) No.11062 of 2022

Date :24/11/2022

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RS/VR/SAR.1(20.12.2022) 2P-3C

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