



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

RESERVED ON : 03.08.2022
PRONOUNCED ON : 11.08.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.12184 of 2022

Sathyaraj

... Petitioner/Accused No.1

Vs

1. The State Rep. By,
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
Crime No. 3 of 2022.

... Respondent/Complainant

2. Krithika

... 2nd Respondent

[R2 suo-motu impleaded vide order
dated 07.07.2022]

For Petitioner : M/s.Vivek Kumar M,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

For Intervenor : Mr.D.Venkatesh, Advocate

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

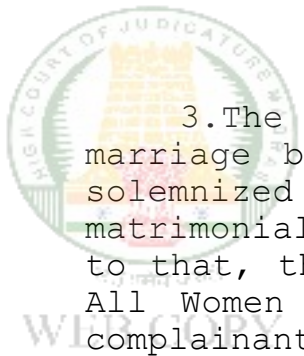
PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 323 and
498(A) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of
Women Act, in Crime No.3 of 2022 on the file of the respondent
police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
other accused have demanded dowry from the de-facto complainant and
harassed her. Hence, the complaint.



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home and was living with her parents at Karaikudi, that the petitioner with sole intention to get the criminal case withdrawn has joined with the de-facto complainant and was living for 3 years with the de-facto complainant and that thereafter, he had again demanded more dowry and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

4.No doubt, the petitioner and his father have filed an application seeking for anticipatory bail in Crl.O.P.(MD)No.3034 of 2022 and this Court, vide order dated, 20.04.2022 has granted anticipatory bail to the father of the petitioner, but dismissed the application so far as the present petitioner is concerned. It is not in dispute that when the earlier petition was pending, considering the submissions made by the counsels on record, this Court referred the matter to mediation and that the mediation ended in failure. It is also not in dispute that the petitioner has already filed a petition in H.M.O.P.No.1267 of 2021 seeking for restitution of conjugal rights and that the same is pending. It is also not in dispute that the de-facto complainant has filed a transfer petition in Tr.C.M.P.(MD)No.431 of 2021 and the proceedings were stayed by this Court, vide order, dated 06.10.2021.

5.The learned counsel for the petitioner would submit that after obtaining orders from this Court, the de-facto complainant has sent a false representation to the higher police officials and thereafter, filed a petition under Section 156(3) of Cr.P.C. in Crl.M.P.No.3559 of 2021 before the learned Judicial Magistrate Court, Karaikudi and based on the order of the learned Magistrate, FIR came to be registered on 19.01.2022. He would further submit that the de-facto complainant had suppressed all the previous complaints and gave a false representation and subsequently, filed a petition under Section 156(3) of Cr.P.C. and that thereafter, as per the directions of the learned Magistrate, the case was registered.

6.The learned counsel for the intervenor and the learned Additional Public Prosecutor would submit that the de-facto complainant has raised serious charges and allegations against the petitioner in the complaint and in the statement recorded by the police subsequently.

7.Considering the above facts and circumstances and the seriousness and gravity of the offence alleged against the petitioner and also the facts that the investigation is not yet completed and that there is no change in circumstances, since the dismissal of the earlier petition, this Court is not inclined to grant anticipatory bail to the petitioner.



8. In the result, this Criminal Original Petition is dismissed.

sd/-
11/08/2022

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/08/2022

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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.VIVEK KUMAR, Advocate (SR-8442[I] dated 12/08/2022)

ORDER
IN
CRL OP(MD) No.12184 of 2022
Date :11/08/2022

sjj
USK/PN/SAR-I/16.08.2022/3P/4C