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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2022

PRESENT

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

CRL OP(MD). No.13672 of 2022

Chidambara Vignesh,

... Petitioner/Accused No.1

Vs

1. State Rep.by
The Inspector of Police,
All Women Police Station, Tenkasi.
Crime.No.9 of 2022.

...Respondent/Complainant

2. Balasunthari,
(R2 is Suo Motu Impleaded as Per
Order of the Court dated 01/08/2022 in
Crl.O.P(MD) 13672 of 2022 by GIJ)

....2nd Respondent

For Petitioner : M/s. Saravanakumar.C, Advocate.

For Respondent No.1: Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 9 of 2022 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 498(A),
406 IPC and Section 4 of Dowry Prohibition Act, in Crime No.9 of
2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the
defacto complainant are the husband and wife. The other accused are
the in laws of the defacto complainant. Since the petitioner has
harassed the defacto complainant for demanding dowry, the complaint
has been lodged.



3.The learned counsel for the petitioner would submit the petitioner is running travel agency and his father was worked as Inspector of Survey in Revenue Department and his mother is working as Headmaster in Panchayat Union School. Hence, there is no necessity to demand dowry. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that this matter has been settled before the Mediation Centre. Hence, the learned counsel seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (criminal side) would submit that it is a matrimonial dispute and this matter has been settled before the mediation centre. Considering the nature of the offence, the learned Government Advocate (criminal side) has strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the matter has been settled before the Mediation Centre, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tenkasi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the Court 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 Special court/concerned court 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 as and when required.

(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 Special Court/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 Special Court/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/-
08/11/2022

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

skn

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

+1 CC to M/s.C.SARAVANAKUMAR, Advocate (SR-12670[I] dated 09/11/2022

ORDER
IN
CRL OP(MD) No.13672 of 2022
Date :08/11/2022

PKP/TR/SAR-2/18.11.2022/3P/6C