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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/11/2022

PRESENT

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

CRL OP (MD) . No.14171 of 2022

Senthil Ananth

... Petitioner/Accused No.1

Vs

State rep.by

The Inspector of Police,
Pattukottai - All Women Police Station,
Thanjavur District.
(Crime No.16 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Ebenezer Charles T J, Advocate.

For Respondent : M/s.M.Aasha,
Government Advocate (Crl.Side)

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

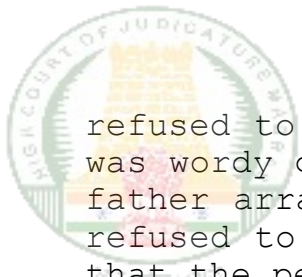
PRAYER :-

For Anticipatory bail in Crime No.16 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) IPC and Section 4 of Dowry Prohibition Act, in Cr.No.16 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of the petitioner. The defacto complainant got married to the petitioner on 25.03.2021 and the same was registered on 31.03.2021. The reception function was held on 20.08.2021. On the date of reception, the defacto complainant was given sridhanas as promised by her father i.e., household articles, Rs.5 lakh in cash and Rs.5 lakh through cheque. But, the father of the petitioner



refused to accept the cheque and demanded cash. Due to which, there was wordy quarrel arose between them. When the defacto complainant's father arranged the cash of Rs.5 lakh, the father of the petitioner refused to accept the same and the defacto complainant was informed that the petitioner went to Canada. Hence, the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the A2 & A3 already granted anticipatory bail by this Court in CrI.OP(MD)No.10996 of 2022 on 01.11.2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.Side) would submit that 1 witness was examined. Steps have been taken to issue circular notice. A2 & A3 were already granted anticipatory bail by this Court. The investigation is not yet completed. Hence, she strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused were granted anticipatory bail by this Court, 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, Pattukottai, 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 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 surrender his original pass port before the learned Judicial Magistrate, Pattukottai, while executing sureties;

(c)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;
<https://www.mhc.tn.gov.in/judis>



(f) 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;

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

Sd/-

14/11/2022

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

DSS

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,
PATTUKOTTAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PATTUKOTTAI-ALL WOMEN POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.EBENEZER CHARLES T J Advocate SR.No.12937

ORDER

IN

CRL OP(MD) No.14171 of 2022

Date :14/11/2022