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

Date : 10/10/2022

PRESENT

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

CRL OP (MD) . No.14284 of 2022

Subbiramani

... Petitioner/Accused No.1

Vs

1. State rep.by
The Sub Inspector of Police,
All Women Police Station,
Srivilliputtur,
Virudhunagar District.
(Crime No.18 of 2022).

... Respondent/Complainant

(*) 2. Tamil Selvi

... 2nd Respondent/Defacto
Complainant

(*) (R2 is Suo-Motu impleaded as per
order of this Hon`ble Court
dated 08.08.2022 in CrI.O.P.(MD)
No.14284/2022 by GIJ)

For Petitioner : M/s.Ajmal Khan.S.A., Advocate.

For Respondent 1 : M/s.M.Aasha,
Government Advocate (Crl.Side)

For Respondent 2 : M/s.J.Balameenakshi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.18 of 2022 on the file of the
respondent Police.



ORDER : The Court made the following order :-

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The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 324 IPC and Section 4 of Dowry Prohibition Act, in Cr.No.18 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. The petitioner and his family members harassed the defacto complainant by demanding additional dowry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner filed a divorce petition in H.M.O.P.No.4 of 2018 before the Family Court, Virudhuagar District at Srivilliputtur and the same was dismissed. Against which, the petitioner preferred a civil miscellaneous appeal in C.M.A.(MD)No.864 of 2021 before this Court and the same is still pending. In the meanwhile, the de-facto complainant filed a petition in D.V.M.C.No.2 of 2018 before the Judicial Magistrate, Andipatti and the same is also pending. Thereafter, the de-facto complainant lodged a complaint before the respondent police and the same was registered in Crime No.23 of 2021 against the petitioner and his family members and in that case, A2 to A4 have obtained anticipatory bail before the Sessions Court. Further, the de-facto complainant created problems and also damaged the petitioner's two wheeler. Hence, the petitioner gave number of complaints before the respondent police against the de-facto complainant and the same were registered in CSR Nos.675 of 2021 and 583 of 2021. Further, the petitioner filed a writ petition in W.P.(MD)No.5467 of 2022 before this Court and the same is also pending. Pending D.V.M.C.No.2 of 2018, the de-facto complainant foisted the present false complaint against him. Hence, he prays for anticipatory bail.

4.The learned counsel for the intervenor has raised serious objection stating that the petitioner and his family members attacked the de-facto complainant by demanding additional dowry. Hence, he prayed for dismissal of this petition.

5.The learned Government Advocate (Crl.Side) would submit that there are six accused in this case. The petitioner is arrayed as A1 in this case. The allegation against the petitioner is that he attacked the de-facto complainant and caused injuries on her leg. The investigation in this case is pending. Hence, she strongly opposed to grant anticipatory bail.

7.Considering the facts and circumstances of the case and considering the gravity and nature of the offence and also the fact



that the investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

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Sd/-
10/10/2022

/10/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVILLIPUTTUR,
VIRUDHUNAGAR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.AJMAL KHAN.S.A. Advocate SR.No.11171

+1. CC to M/S.J.BALAMEENAKSHI Advocate SR.No.11278

ORDER
IN
CRL OP(MD) No.14284 of 2022
Date :10/10/2022

SP/SBN/SAR I/18/10/2022/3P/5C