



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.15057 of 2022

Mariappan

... Petitioner/Accused No.1

Vs

1.The Inspector of Police,
All Women Police Station,
Srivaigundam,
Thoothukudi District.
(Crime No. 10 of 2022).

... Respondent/Complainant

2. Valarmathi,

... 2nd Respondent

(R2 is Suo Motu impleaded as per
order of the Court dated 23/08/2022
in Crl.OP(MD).15057/2022 by GIJ)

For Petitioner : M/s.Banuprasath.P,
Advocate

For R1 : Mrs.M.Aasha,
Government Advocate (Crl.Side)

For R2 : Mr.S.MANDIRALINGESWARAN, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No. 10 of 2022 on the
file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
498(A), 294(b), 406, 420 and 506(ii) of IPC and Section 4 of the
Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.10 of
2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the
petitioner and the defacto complainant was solemnized on 15.11.2021.
After marriage, there is some dispute arose between them. The
petitioner's parents also interfered their matrimonial life and



received the gold jewels from the defacto complainant and thereafter, they did not return back the jewels to her and they cheated her. On 18.01.2022, while the compromise talks was going on in front of the elders, the petitioner slapped the defacto complainant and abused her in filthy language and also threatened her. Further, they are demanded more dowry from the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the husband of the defacto complainant. There was no harassment or cruelty as alleged by the prosecution. Only with a view to harass the petitioner, a false case has been foisted against him. He would further submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he 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, this complaint was lodged by the defacto complainant. She would further submit that the co-accused were already granted anticipatory bail and the investigation in this case is not yet completed. Hence, she opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the co-accused were already granted anticipatory bail, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Srivaigundam, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the concerned trial Court on each and every hearing without fail.

[c]the petitioner shall not tamper with the 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 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/11/2022

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/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SRIVAIKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.BANUPRASATH.P Advocate SR.No.13617

ORDER

IN

CRL OP(MD) No.15057 of 2022

Date :24/11/2022

CP

SA/SSS/SAR.2/06.12.2022/3P/6C