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CRL OP(MD). N



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

Date : 26/09/2022

PRESENT

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

CRL OP(MD). No.16038 of 2022

Prabhu, ... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
All Women Police Station, Kamuthi,
Ramanathapuram District. Cr. No. 01/2022.
... Respondent/Complainant

For Petitioner : M/s. Navaneetharaja K,
Advocate.
For Respondent : Ms.M.Aasha
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 01 of 2022 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, 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.01 of 2022,
seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the
petitioner and the defacto complainant solemnized on 10.11.2021 and
after the marriage the petitioner had left the defacto complainant
at her home and flew away to Japan for his work. After some days,
the defacto complainant called over phone to the petitioner for
matrimonial life and that the petitioner demanded additional 150
sovereigns of gold jewels and a car. Hence, the complaint.



3. The learned counsel for the petitioner would submit that only on 10.11.2021 engagement was conducted between them and for the purpose of getting spouse visa, the marriage was registered on the said day. He would further submit that the defacto compliant was in parental home only and not in the matrimonial home and hence, there is no possibility for demanding dowry and seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that it is a matrimonial dispute between the husband and wife and that investigation has been completed, and the charge sheet filed and the same was taken as C.C.No.196 of 2022 on the file of the Judicial Magistrate, Kamuthi and it is posted for appearance of A1 on 26.10.2022.

5. Considering the facts and circumstances of the case and also considering the fact that the investigation was completed and the charge sheet has been filed and the same was taken on file as C.C.No.196 of 2022 on the file of the Judicial Magistrate, Kamuthi, 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, Kamuthi 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 appear before the trial Court on each and every hearing date without fail.

(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 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.

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

TRP

TO

1. The Judicial Magistrate, Kamuthi
2. Do Through
The Chief Judicial Magistrate, Ramanathapuram
3. The Inspector of Police,
All Women Police Station, Kamuthi,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.NAVANEETHARAJA, Advocate (SR-10523[I] dated 26/09/2022)

ORDER

IN

CRL OP(MD) No.16038 of 2022

Date : 26/09/2022

TR/GB/SAR-I (30.09.2022) 3P 6C