



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/12/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.18331 of 2021

Muthu Vinayagam

... Petitioner/1st Accused

Vs

1.State Rep.by

The Inspector of Police,
Pudukottai All Women Police Station,
Pudukottai, Thoothukudi District.
(Crime No.12 of 2021).

... Respondent/Complainant

2.Tamil Selvi

(R2 *Suomotu* impleaded as per order
of this Court dated 09.03.2022 in
CRL OP(MD).18331/2021)

For Petitioner : M/s.Jegadeesha Pandian.V.M.,
For Respondent-1 : Mr.T.Senthil Kumar
Additional Public Prosecutor
For Respondent-2 : Mr.Ilayaraja, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2021 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
498(A) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of
Women Act, 2002 and Section 4 of Dowry Prohibition Act, 1961, in
Crime No.12 of 2021, on the file of the respondent police, seeks
anticipatory bail.

2.The case of the prosecution as per the defacto
complainant/second respondent is that on 16.07.2001, she got married
to the petitioner/first accused. From the date of marriage, the



accused persons demanded dowry from the defacto complainant and harassed her. Without the knowledge of the defacto complainant, the petitioner also married the 7th accused. Hence, the complaint.

3.The learned counsel for the petitioner submitted that there was a matrimonial dispute between the parties, over which, a false complaint has been foisted against him. The co-accused A2 to A6 were already enlarged on bail by the lower Court. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Additional Public Prosecutor submitted that there was a matrimonial dispute between the parties and the petitioner married the 7th accused, without knowing to the defacto complainant. In this case, investigation has been completed and the first respondent is ready to file the final report. However, considering the gravity of the offence, prays to dismiss the petition.

5.The learned counsel for the intervener objected the grant of anticipatory bail, on the ground that the petitioner married the 7th accused, without divorcing his wife/defacto complainant.

6.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, this Criminal Original Petition is allowed and 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 No.III, Thoothukudi**, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, on every Saturday at 10.30 a.m., until further orders;

[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]**; and;

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

sd/-

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, PUDUKOTTAI ALL WOMEN POLICE STATION, PUDUKOTTTAI, THOOTHUKUDI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.ILAYARAJA, Advocate (SR-14665[I] dated 12/12/2022)

ORDER

IN

CRL OP(MD) No.18331 of 2021

Date :08/12/2022

PNM

RS/VR/SAR.2(20.12.2022) 3P-6C