



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17817 of 2022

Balamurugan

... Petitioner/Accused No.1

Vs

State rep.by the
The Inspector of Police,
Madurai Town All Women Police Station,
Madurai City.

Crime No.17 of 2022

... Respondents/Complainant

For Petitioner : Mr.M.Ramachandran,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 406 of IPC, in Crime No.17 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. Right from the date of marriage, the first accused/petitioner had demanded dowry from the defacto complainant and abused her in filthy language and also harassed her for the same. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that there is a family dispute between the first accused/petitioner and the defacto complainant, due to which, she filed the present complaint with false averments.



4.The learned Government Advocate(Crl.side) appearing before the respondent police submitted that the investigation is going on.

5. Considering the facts and circumstances of the case and also the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and 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, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two common 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 and the defacto complainant shall appear before the Mediation Centre attached to the Madurai Bench of Madras High Court, Madurai, for mediation. The mediation centre shall appoint the mediator and the Mediator shall conclude the mediation process in six sitting.

[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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/10/2022

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/10/2022

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

TTA

<https://www.mhc.tn.gov.in/judis>



TO

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

COPY TO

THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (SOFT COPY)

+1 CC to M/s.M.RAMACHANDRAN, Advocate (SR-11097[I] dated
10/10/2022)

ORDER
IN
CRL OP(MD) No.17817 of 2022
Date :06/10/2022

RK/TR/SAR- (11/10/2022) 3P/6C