



WEB COPY

CRL OP(MD). N



21

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/12/2022

PRESENT

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

CRL OP(MD). No.19457 of 2021

V. Karthik

... Petitioner/Accused

Vs

1. State Rep.by

The Inspector of Police,
All Women Police Station,
Theni District

(Crime No. 54 of 2021).

...Respondent/Complainant

2. Raja Rajeswari

...2nd Respondent

(R2 *Suomotu* impleaded as per order of
this Court, dated 09.12.2021 in Crl OP
(MD)No.19457/2021 by GIJ)

For Petitioner : M/s. Balasubramanian.V., Advocate

For Respondents : Mr.T.Senthil Kumar (R1)
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 54 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), 406, 294(b), 506(i), 323 of I.P.C and Section 4 of Dowry Prohibition Act, in Crime No.54 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 03.08.2006, she got married to the petitioner and they are blessed with a girl child. Though the defacto complainant got a Government job, the petitioner did not have a proper job. In this regard, there was a dispute between them



and the petitioner also had an illegal affair with some other person. The petitioner used to harass the defacto complainant to grab the monthly salary. 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. 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. In this case, after completing the investigation, final report has been filed before the Additional Mahila Court, Theni and the same was numbered as C.C.No.292 of 2022. However, considering the gravity of the offence, prays to dismiss the petition.

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

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

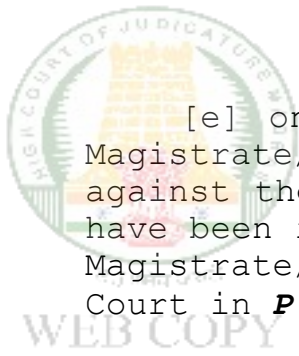
7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Additional Mahila Court, Theni**, 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 Additional Mahila Court, Theni everyday at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the concerned Magistrate;

[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/-

08/12/2022

/ TRUE COPY /

/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, THENI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THENI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.BALASUBRAMANIAN.V., Advocate (SR-14732[I] dated 13/12/2022)

ORDER

IN

CRL OP(MD) No.19457 of 2021

Date :08/12/2022

pnm

PKP/BUC/SAR-2/20.12.2022/3P/6C