



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

Date : 03/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.18665 of 2022

Vijayakumar

... Petitioner/Petitioner

Vs

1. The State Rep. By,
The Inspector of Police,
All Women Police Station,
Rajapalayam Police Station,
Virudhunagar District.
Cr.No.1/2022.

2. Pandiselvi

... Respondent/Complainant

For Petitioner : M/s.Vaigunth A.S.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.1/2022 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), 294(b), 406, 506(i) IPC and Section 4 of Dowry Prohibition Act, 1961** in Crime.No.1 of 2022, seeks anticipatory bail.

2. The case of the prosecution that the petitioner and other accused have demanded additional dowry from the defacto complainant and also tortured her both mentally and cruelly and that a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has already been granted anticipatory bail by this Court in Crl.O.P(MD).No.1473 of 2022, dated 02.09.2022, but, due to ill health, he is not able to produce the surety before the Court



concerned. Hence, he has filed the second anticipatory bail petition seeking anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that investigation of the case has already been completed and the charge sheet is yet to be taken on file. He would further submit that without abiding the condition imposed by this Court in the earlier petition, he has filed the second anticipatory bail petition and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that investigation has been completed, 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 Additional Mahila Court, Srivilliputur 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 Deevattipatti Police Station, Salem District daily at 10.30 am until further orders.

(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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/11/2022

(*) Amended as per order of this Court dated 04.01.2023 in CRL MP (MD) No.5 of 2023 in CRL OP(MD) No.18665 of 2022.

Time is also extended further for a period of two weeks, from the date on which the order is copy made ready.

/ TRUE COPY /

/01/2023

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

TRP
TO

TO BE SUBSTITUTED WITH THE ORDER DATED 03/11/2022 ALREADY DESPATCHED

1. THE JUDGE,
ADDITIONAL MAHILA COURT, SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :
THE INSPECTOR OF POLICE,
DEEVATTIPATTI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/s.A.S.VAIGUNTH, Advocate SR-245

ORDER

IN

CRL OP(MD) No.18665 of 2022

Date : 03/11/2022

USK/SSS/SAR-II/29.11.2022/3P/6C

RK/BUC/SAR-1(10.01.2023) 3P/6C