



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

Date : 26/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.18687 of 2022

WEB COPY

Karthick @ Alagesan

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Lalkudi,
Trichy District.
(Crime No. 21 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Joseph Jerry A,
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. 21 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
323 and 498(A) of IPC r/w Section 4 of TNPHW Act, 2002 and Section 4
of Dowry Prohibition Act, in Crime No. 21 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that the defacto complainant
and petitioner are husband and wife and after marriage, the
petitioner and other accused harassed the de-facto complainant by
demanding additional dowry and they driven her out of the
matrimonial home. Hence, the complainant.

3.The learned counsel for the petitioner would submit that it a
matrimonial dispute. The petitioner is an innocent and he has been
falsely implicated in this case. He would further submit that
already M.C.No.4 of 2022 is pending before the lower Court and the
petitioner shall abide any condition imposed by this Court. Hence,
he may be granted anticipatory bail.



4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that due to the harassment of the accused persons, this complaint was lodged by the defacto complainant. He would further submit that the co-accused were already granted anticipatory bail by the Principal District and Sessions Judge, Tiruchirappalli and in this case, till now four witnesses were examined and investigation is not yet completed.

5.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and co-accused were already granted anticipatory bail and four witnesses were examined, 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 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, Lalkudi, Trichy District, 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 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 shall report before respondent police daily 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]**.

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

sd/-

26/10/2022

/ TRUE COPY /

/11/2022

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



To

1. The Judicial Magistrate, Lalkudi,
Trichy District.

2.-do-Through The Chief Judicial Magistrate,
Trichy District.

3. The Inspector of Police,
All Women Police Station, Lalkudi,
Trichy District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.JOSEPH JERRY, Advocate (SR-11935[I] dated 27/10/2022
)

ORDER

IN

CRL OP(MD) No.18687 of 2022

Date :26/10/2022

RD/SBN/SAR-II(03/11/2022) 3P 6C