



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.19594 of 2022

WEB COPY

Latha

... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Aranthangi,
Pudukkottai District.
Crime No.20 of 2022

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T, Advocate.
For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

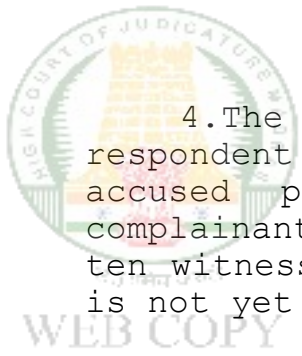
For Anticipatory Bail in Cr.No.20/2022 on the file of the respondent police.

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 498(A), 294(b), 323, 506(i) of IPC r/w Section 4 of Dowry Prohibition Act, in Crime No.20 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the first accused and the defacto complainant were loved each other. Since her parents did not accept their love, on 25.02.2021, the defacto complainant got married with the first accused/Ajithkumar with the help of first accused's friend. After marriage, the accused persons harassed the defacto complainant by demanding dowry and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is serving as a Junior Assistant in Aranthangi Municipality. Due to misunderstanding between the complainant and the petitioner's son, she voluntarily went to her parental home and at any point of time the petitioner demanded dowry from her. He would further submit that the petitioner is an innocent person and she has been falsely implicated in this case. 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 in this case, till now, ten witnesses have been examined and the investigation in this case is not yet completed. Hence, he prayed to dismiss the petition.

5.Considering the facts and circumstance of the case and considering the nature of offence and also the facts that it is a matrimonial dispute and the petitioner is only in-law to the defacto complainant, 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, Aranthangi, 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/-

07/11/2022

/ TRUE COPY /

/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE, ARANTHANGI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, ARANTHANGI,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-12590[I] dated
08/11/2022)

ORDER

IN

CRL OP(MD) No.19594 of 2022

Date :07/11/2022

CP

RS/VR/SAR.2(16.11.2022) 3P-6C