



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

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20043 of 2022

WEB COPY

P.Krishnamurthy

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Ramanathapuram District.
Crime No.3 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Raamakrishnan KA,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.3 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 22.10.2022 for the offences punishable under Section 498(A) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.03 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on the false promise of marriage, the first accused had physical relationship with the defacto complainant and thereafter, she got pregnant and refused to marry her by demanding dowry. Subsequently, the marriage was solemnized between the defacto complainant and the first accused on 14.11.2021 and after that, the accused persons harassed the defacto complainant by demanding more dowry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the father of the first accused. There was no harassment or cruelty as alleged by the prosecution. Only with a view to harass the petitioner and his family, a false case has been foisted against them. He would further submit that the suit for declaration to declare the marriage between the first accused and the defacto complainant as null and void is pending before the District Munsif, Ramanathapuram and further submit that



the petitioner is in judicial custody from 22.10.2022. Hence, bail may be granted.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit it is a matrimonial dispute. Due to continuous harassment of the accused persons, this complaint was lodged by the defacto complainant and there is a specific allegation levelled against the petitioner. He would further submit that in this case, till now, nine witnesses were examined and investigation is not yet completed. Hence, he opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the period of incarceration and also the facts that it is purely matrimonial dispute and the petitioner is only father-in-laws of the defacto complainant and nine witnesses have been examined so far, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing 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 Judicial Magistrate, Additional Mahila Court, Ramanathapuram, Ramanathapuram District.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall report before the respondent police on every Sunday at 10.30 a.m., until further orders.

(iii) the petitioner shall not tamper with evidence or witness.

(iv) the petitioner shall not abscond during trial.

(v) 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].

sd/-

11/11/2022

/ TRUE COPY /

11/11/2022

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



TO

- 1 THE JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
 - 3 THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM,
RAMNAD DISTRICT.
 - 4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-12845[I] dated
11/11/2022)

ORDER
IN
CRL OP(MD) No.20043 of 2022
Date :11/11/2022

CP
RS/VR/SAR.(11.11.2022) 3P-7C