



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.19967 of 2022

Prabhakar

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
All Woman Police Station,
Thirumangalam,
Madurai District.
(In Crime No.22 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Subash Babu M,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

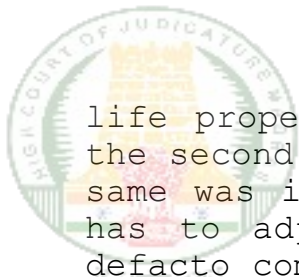
PRAYER :-

For Anticipatory Bail in Crime No.22 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 354(A), 342 and Section 506(i) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Cr.No.22 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. The marriage between the first petitioner and the defacto complainant was solemnized on 30.08.2020. At the time of marriage, the defacto complainant was given 55 sovereigns of gold jewels and household articles worth about Rs.8 lakh. After marriage, the defacto complainant started to her matrimonial life at Bangalore in the house of the accused persons as joint family. The petitioner has not lead matrimonial



life properly with the defacto complainant. In such circumstances, the second accused misbehaved with the defacto complainant. When the same was informed to the other accused persons, they told that she has to adjust with the family members. Further, they locked the defacto complainant in a separate room and tortured her by demanding additional dowry of Rs.30 lakhs for purchasing a new house and a sum of Rs.8 lakhs for marriage expenses occurred by the accused persons. Without tolerating their harassment, she attempted to commit suicide for two times. Thereafter, she was driven out from the matrimonial home. Hence, the complaint.

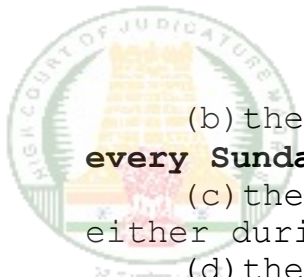
3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is working as Assistant Professor at Bangalore. The defacto complainant behaved adamantly and frequently entered into quarrel with the petitioner for silly reasons. Whenever, the parents of the petitioner advised the defacto complainant to lead peaceful matrimonial life with the petitioner. While being so, she voluntarily leave from the matrimonial home without any reason. A3 & A6 were already released on anticipatory bail by the Sessions Court. A2 & A7 were arrested and thereafter, released on station bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that A2 & A7 were arrested and released on station bail & A3 & A6 were already released on anticipatory bail by the Sessions Court. 6 witnesses have been examined. The investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute, the co-accused were released on bail and anticipatory bail and 6 witnesses have been 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, 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 confirm their identity;



(b) the petitioner shall report before the **respondent** **every Sunday 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/-

11/11/2022

/ TRUE COPY /

/11/2022

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-12940[I] dated 14/11/2022)

ORDER

IN

CRL OP(MD) No.19967 of 2022

Date : 11/11/2022

dss

USK/BUC/SAR-I/23.11.2022/3P/6C

<https://www.mhc.tn.gov.in/judis>