



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21665 of 2022

K.Arumugarajan,

... Petitioner/Accused No.1

Vs

State Rep.by
The Sub Inspector of Police,
All Women Police Station,
Alangulam,
Thenkasi District.
in Cr No.11/2022.

... Respondent/Complainant

Vallarasi

...Petitioner/Intervener/ Defacto Complainant
in CRL MP(MD)No.15667 of 2022

For Petitioner : M/s.Sridharan M, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.K.Sivabalan, Advocate
in CRL MP(MD)No.15667 of 2022

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

PRAYER :-

For Anticipatory Bail in Crime No.11/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 417, 506(i) IPC and Section 4 of Dowry Prohibition Act, 1961 and (*) **Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002** in Crime No.11 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant loved each other for one year and due to that,

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



the de-facto complainant become pregnant. But, the petitioner is compelled her to abort the same. Further, the petitioner and his family members herein have demanded Rs.4,00,000/- and 500 gms of gold jewels from the de-facto complainant and made torture both mentally and cruelly. Hence, the complaint.

WEB COPY

3.The learned counsel for the petitioner would submit that this is the petitioner's second application for anticipatory bail and the earlier application was dismissed as not pressed. He would further submit that the alleged marriage between the de-facto complainant and the petitioner had held on 13.02.2022 without the knowledge of the other accused. He would further submit that the petitioner has already filed a suit in O.S.No.26 of 2022 before the District Munsif Court, Alangulam for declaring the marriage between him and the de-facto complainant as null and void, since it was performed under the threat of police. He would further submit that the petitioner has filed an affidavit of undertaking before this Court stating that he will not marry anybody till the disposal of the suit in O.S.No.26 of 2022. Hence, he seeks anticipatory bail.

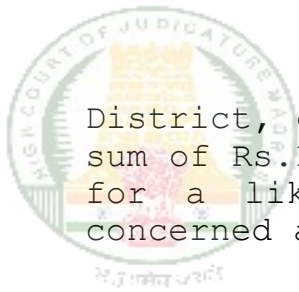
4.The learned Government Advocate (Crl. side) would submit that the petitioner is the husband of the de-facto complainant and the petitioner and his family members tortured the de-facto complainant by demanding additional dowry. Hence, he strongly opposed to grant anticipatory bail to him.

5.The learned counsel for the intervenor would submit that the petitioner had induced the de-facto complainant and sexual intercourse with her. Later, he took steps to marry another girl and on the complaint given by the de-facto complainant, a case was registered. Therefore, the petitioner had agreed for the marriage and he had come along with his relatives and marriage was performed in a temple and it was also registered. Later, the petitioner, in order to cheat the de-facto complainant, has filed the suit seeking to declare the marriage between him and the de-facto complainant as null and void. He would further submit that the petitioner has not only cheated the de-facto complainant but also attempted to misuse and abuse the process of Court and thereby, he would seek for dismissal of the petition.

6.Heard. Perused the materials available on record including the FIR.

7.Taking into consideration the facts and the submissions made by both the counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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 on which the order copy made ready, to the learned Judicial Magistrate Court, Alangulam, Tenkasi



District, on condition that the petitioner shall execute 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 condition 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 report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., 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]**.

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

9.The affidavit of undertaking filed by the petitioner shall form part of the Court records.

sd/-
23/12/2022

**(*)BEING MENTIONED, AS PER THE ORDER
OF THIS HONOURABLE COURT DATED
11/01/2023 IN CRL OP(MD) NO.21665 OF
2022 BY ADJCJ.**

**Time is extended for further two
weeks for executing sureties, from
the date of receipt of a copy of the
amended order.**

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO BE SUBSTITUTED WITH THE ORDER DATED 23/12/2022 ALREADY DESPATCHED.

WEB COPY

- 1 THE JUDICIAL MAGISTRATE,
ALANGULAM TENKASI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ALANGULAM,
THENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SRIDHAR, Advocate (SR-15574[I] dated 26/12/2022)

ORDER
IN
CRL OP(MD) No.21665 of 2022
Date :23/12/2022

PKP/BUC/SAR-2/04.01.2023/4P/6C
SJI
PKP/BUC/SAR-3/24.01.2023/4P/6C