



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.21428 of 2022

Ashok Kumar

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Bodinayakanur,
Theni District.
(Crime No.18/2022).

... Respondent

For Petitioner : M/s.Asaitambi S,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.18/2022 on the file of the Respondent Police.

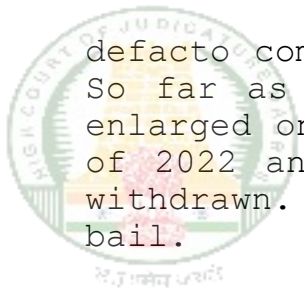
ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 506(i) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.18 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Mercilingrija is that the marriage between her and the first accused was solemnized on 04.09.2020. At the time of marriage, 28 sovereigns of gold jewels and house-hold articles worth about Rs.2 lakhs were given to them. Further allegation is that the husband was not going to proper work and he along with his family members demanded additional dowry and harassed the defacto complainant. The first accused was having illicit intimacy with another women. Hence, the complaint.

3.The learned counsel for the petitioner submitted that due to matrimonial dispute, a false complaint has been lodged by the

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



defacto complainant. The petitioner is arrayed as A1 in the case. So far as the parents of the petitioner are concerned, the petitioner was enlarged on bail, as per order of this Court in CrI.O.P(MD, NO.12094 of 2022 and the petition against this petitioner was dismissed as withdrawn. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (CrI.Side) submitted that the petitioner is the husband of the defacto complainant and he along with other family members, threatened the defacto complainant and the petitioner also had illicit intimacy with another woman. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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, Bodinayakkanur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 everyday at 10.30 a.m., for a period of four weeks and thereafter on every Saturday 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]**; and;



[f] if the accused/ petitioner thereafter absconds, a 1 R
can be registered under Section 229-A IPC.



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

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TO

- 1 THE JUDICIAL MAGISTRATE,
BODINAYAKKANUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, BODINAYAKANUR,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.ASAITHAMBI, Advocate (SR-14486[I] dated 07/12/2022)

ORDER
IN
CRL OP(MD) No.21428 of 2022
Date :05/12/2022

PNM
MK/VR/SAR 2/16.12.2022/3P/6C