



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.21007 of 2022

Appu @ Boopathy

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Jeeyapuram,
Trichy District
(Crime No.13 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 :-

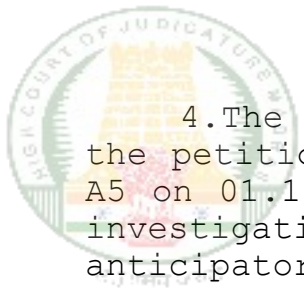
For Anticipatory Bail in Crime No.13 of 2022 on the file of the Respondent Police

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 294(b), 323, 494, 498(A) and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 4 of Dowry Prohibition Act, in Cr.No.13 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant loved each other and they got married on 31.05.2010. After marriage, the petitioner harassed the de-facto complainant by demanding additional dowry, she went her parental home. Subsequently, the petitioner without getting divorce from the complainant married A5 on 01.12.2021. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused were already released on bail by the trial Court. Hence, he strongly opposed to grant anticipatory bail.



4.The learned Government Advocate(Crl.Side) would seek at the petitioner without getting divorce from the complainant married A5 on 01.12.2021. Six witnesses were examined in this case and the investigation is still pending. Hence, she strongly opposed to grant anticipatory bail to him

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5.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the co-accused were already released on bail and six witnesses were examined in this case, 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 Additional Mahila (Judicial Magistrate) Court, Trichy, 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily 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/-

28/11/2022

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/12/2022

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



TO

1 THE ADDITIONAL MAHILA (JUDICIAL MAGISTRATE) COURT,
TRICHY.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, JEEYAPURAM,
TRICHY DISTRICT.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-13883[I] dated
29/11/2022)

ORDER

IN

CRL OP(MD) No.21007 of 2022

Date :28/11/2022

sj i

USK/BUC/SAR-II/19.12.2022/3P/6C