



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

Date : 12.12.2022

PRESENT

WEB COPY

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

CRL OP(MD). No.21754 of 2022

Anandh @ Anand

... Petitioner/Accused No.1

Vs

The State represented through
Station House Officer,
All Women Police Station,
Devakottai,
Sivagangai District.
(Crime No.10 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.M.Arun Swaminathan,
Advocate.

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

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

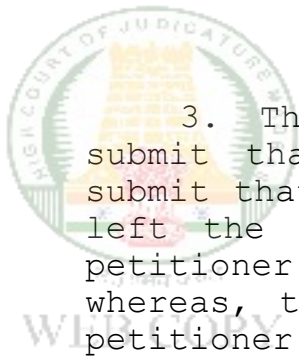
PRAYER :-

For Anticipatory Bail in Crime No.10 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 377 IPC and Sections 4 and 6 of Dowry Prohibition Act, in Crime No.10 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Priyanka is that the marriage between her and the petitioner was solemnized on 01.12.2019 and after the marriage, the petitioner has sexually abused her and he is ganja addict and that he had compelled her to have unnatural sex with him and harassed her, due to which, she left the matrimonial home within 50 days. The further allegation is that the petitioner and his relatives have demanded 30 sovereigns of gold jewels and Rs.5 lakhs from her as additional dowry for reuniting them. Hence, the case.



3. The learned counsel appearing for the petitioner would submit that the entire allegations are false. He would further submit that within 52 days of the marriage, the defacto complainant left the matrimonial home without informing the petitioner. The petitioner had through several relatives sought for reunion, whereas, the defacto complainant refused to join him and that the petitioner had filed a petition in HMOP.No.164 of 2020 before the Sub Court, Devakottai seeking for divorce in cruelty. Only after the receipt of summons, a false complaint has been given. He would further submit that the defacto complainant has unnecessarily implicated the other accused, who are the relatives of the petitioner who are presently living at Malaysia only to pressurize the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner and the defacto complainant got married on 01.12.2019 and thereafter, the petitioner, who is a ganja addict, sexually abused her and compelled her to have unnatural sex and she was driven out of the matrimonial home.

5. Heard. Perused the materials available on record.

6. 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.

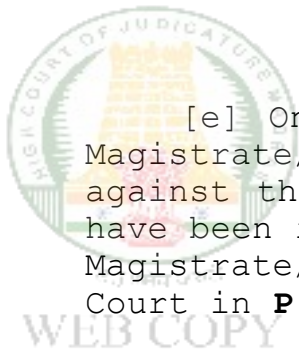
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Devakottai, Sivagangai District, on condition that the petitioner 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 four weeks and thereafter shall report before the respondent police on every Sunday 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.

sd/-

12/12/2022

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/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION, DEVAKOTTAI,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.ARUN SWAMINATHAN RM, Advocate (SR-14768[I] dated 13/12/2022)

ORDER

IN

CRL OP(MD) No.21754 of 2022

Date :12/12/2022

csm

USK/VR/SAR-II/22.12.2022/3P/6C