



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.21296 of 2022

Neethibalan,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Samyanallur,
Madurai District.
Crime No.21 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Murugan M, 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.21 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), 420, 354, 493, 496, 498(A) IPC and Section 4 of the Dowry Prohibition Act, 1961 in Crime No.21 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The de-facto complainant married the petitioner on 11.12.2020. Since there is a misunderstanding between them, they are living separately. It is further alleged that the petitioner along with other accused harassed the de-facto complainant by demanding additional dowry. Further, the accused persons suppressing the first marriage of the petitioner/de-facto complainant's husband had entered into the second marriage. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused have already been granted anticipatory bail by this Court and the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is the husband of the defacto complainant. It is a matrimonial dispute between the parties and the petitioner along with other accused harassed the de-facto complainant by demanding additional dowry and further, the petitioner and other accused suppressing the first marriage had arranged the second marriage. He would further submit that in this case, nine witnesses have already been examined and the investigation is not yet completed. Hence, she 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 and the co-accused have already been granted anticipatory bail by this Court and nine witnesses have already been examined, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatty, 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily 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]**.

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

sd/-

01/12/2022

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

+1 CC to M/s.M.MURUGAN, Advocate (SR-14169[I] dated 01/12/2022)

ORDER

IN

CRL OP(MD) No.21296 of 2022

Date :01/12/2022

PKP/VR/SAR-4/15.12.2022/3P/6C