



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

Date : 12.12.2022

PRESENT

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

CRL OP(MD). No.21747 of 2022

Shiju Mon

... Petitioner/Accused No.1

Vs

The State represented by its
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
(Crime No.41 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.S.Sivakumar,
Advocate.

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

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

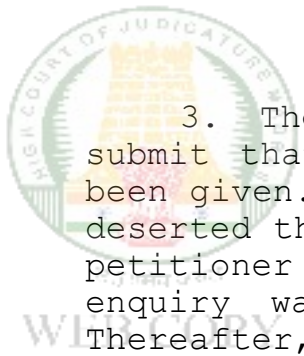
PRAYER :-

For Anticipatory Bail in Crime No.41 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 offence punishable under Section 498A IPC, in Crime No.41 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the marriage between her and the petitioner was solemnized on 14.05.2018 and at the time of marriage, 51 sovereigns of gold jewels and Rs.5 lakhs was given as dowry and further Rs.2 lakhs was given as for purchasing of household articles. The further allegation is that the petitioner along with his parents harassed her and demanded further additional dowry of Rs.10 lakhs.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false complaint has been given. He would further submit that the defacto complainant has deserted the petitioner and went out of the matrimonial home and the petitioner had given a complaint before the respondent police and an enquiry was conducted in CSR.No.161 of 2021 dated 20.04.2021. Thereafter, the defacto complainant refused to come and live with the petitioner. While so, the brothers and relatives of the defacto complainant assaulted the petitioner. In respect of that, a complaint was given before Arumanai Police Station and an enquiry was conducted in CSR.No.549 of 2021 dated 25.09.2021, whereas, a counter blast complaint has been given.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that this is the second application for anticipatory bail for the petitioner and the earlier application in respect of the petitioner was dismissed as withdrawn. He would further submit that the allegations against the petitioner is that he and his parents demanded Rs.10 lakhs from the defacto complainant as additional dowry.

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 No.I, Kuzhithurai, 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 morning 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 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 NO.I,
KUZHITHURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.SIVAKUMAR S Advocate SR.No.14717

ORDER

IN

CRL OP(MD) No.21747 of 2022

Date :12/12/2022

SS/BUC/SAR I/16/12/2022/ 3P 6C