



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22110 of 2022

WEB COPY

C.Mayalagu

...Petitioner /Accused No.1

-vs-

The State represented by
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(in Cr.No.359 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.359 of 2022.

For Petitioner	: Mr.A.Karuna, Advocate
For Respondent	: Mr.A.Albert James
	Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 417, 498(A) and 109 of IPC in Crime No.359 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, the petitioner along with his family members harassed the de-facto complainant by demanding additional dowry of Rs.10 lakhs. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is the husband of the de-facto complainant. He would also submit that due to a matrimonial dispute, a false complaint has been given. He would also submit that the earlier petition filed by him was dismissed as withdrawn and no order was passed on merit and also in the earlier petition, this Court had granted anticipatory bail to A2. He would also submit that the petitioner is ready to abide by any stringent conditions.

4.The learned Government Advocate (Crl.side) would submit that totally three accused are involved in this case. The petitioner is
<https://www.mca.gov.in/judis> A1. At the instigation of A3, the petitioner demanded



additional dowry of Rs.10 lakhs from the de-facto complainant. He vehemently objected to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions and also on perusing the F.I.R., 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Melur, Madurai District, 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 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., 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]**.

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

Sd/-

15/12/2022

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/12/2022

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

cmr

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



TO

1. THE JUDICIAL MAGISTRATE MELUR, MADURAI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.22110 of 2022

Date :15/12/2022

RK/VR/SAR-2 (27/12/2022) 3P/5C