



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

PRESENT

WEB COPY

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

CRL.O.P (MD) No.22237 of 2022

Nithiyan

...Petitioner/Accused No.1

-vs-

State rep.by
The Inspector of Police,
All Women Police Station,
Rajapalayama,
Virudhunagar District.
(in Crime No.17 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.17 of 2022.

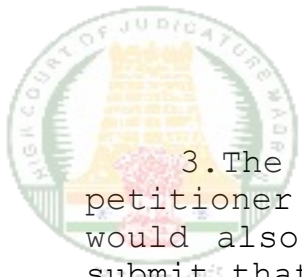
For Petitioner : Mr.J.Jeyakumaran

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 294(b), 498(A) and 506(i) IPC and Section 4 of Dowry Prohibition Act and Section 4 to TNPHW Act in Crime No.17 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the marriage between the petitioner and the de-facto complainant was solemnized on 10.01.2021. After marriage, the de-facto complainant found that the petitioner was impotent. While so, the in-laws of the de-facto complainant came to know about the medical treatment and blamed the complainant that she is having uterus problem and harassed the de-facto complainant by demanding more dowry and also driven her out of the matrimonial home. 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 and he would submit that a case of matrimonial dispute has been exaggerated and a false complaint has been given as if excess dowry was demanded. He would submit that the petitioner and the de-facto complainant are blaming each that the other one is impotent that has resulted in a dispute, thereby, the de-facto complainant has given a false complaint. He would also submit that the entire things given at the time of marriage have been handed over to the de-facto complainant and he would submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. He would also submit that the earlier petition in Crl.O.P(MD)No.14019 of 2022 was partly allowed by this Court on the ground that the investigation was in initial stage and some of the witnesses have to be examined and now the major part of the investigation has been over.

4.The learned Government Advocate (Crl.side) would submit that due to the matrimonial dispute, the accused have demanded more dowry from the de-facto complainant and also driven her out of the matrimonial home. Hence, the complaint.

5.Taking into consideration the facts and submissions and on perusing the materials available on record including the F.I.R., as well as the order passed by this Court in Crl.O.P.(MD)No.14019 of 2022, dated 24.11.2022, 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 Additional Mahila Court (J.M.Level), Srivilliputhur, 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., for a period of two weeks and thereafter, every Saturday 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]**.

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

Sd/-

16/12/2022

/ TRUE COPY /

/12/2022

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

cmr

TO

1. THE JUDGE, ADDITIONAL MAHILA COURT
(JUDICIAL MAGISTRATE LEVEL),
SRIVILLIPUTHUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. JEYAKUMARAN J Advocate SR.No.15031

ORDER

IN

CRL OP(MD) No.22237 of 2022

Date :16/12/2022