



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/12/2022
PRESENT

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

CRL OP(MD) . No.22402 of 2022

Rajesh Kanna

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
All Woman Police Station, Lalgudi,
Tiruchirappalli.
(Crime No.27/2022).

... Respondent/Complainant

For Petitioner : M/s.Antony Arulraj.T,
Advocate.
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

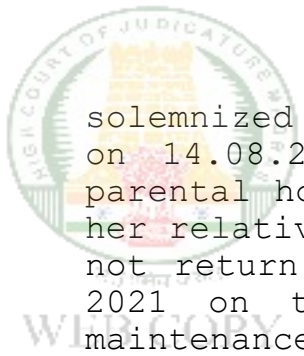
PRAYER :- For Anticipatory Bail in Crime No.27/2022 on the file of the Respondent Police.

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), 323,498(A) and 506(i) of IPC in Cr.No.27 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 03.11.2019. After marriage, the petitioners harassed the defacto complainant by demanding more dowry and the first petitioner is having affair with another lady. Subsequently, the defacto complainant begotten a female child on 14.08.2020 and the petitioners demanded to give the child to them and also the first petitioner took the thali from the defacto complainant. Thereafter, she went to her parents house on 14.02.2021 and after that, she was not permitted to come to the house of the first petitioner. The defacto complainant is living with her parents and the jewels are in the custody of the petitioners. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the marriage between the petitioner and the defacto complainant was



solemnized on 03.11.2019 and they were blessed with a female child on 14.08.2020. Thereafter the defacto complainant went to her parental home and she did not come back. The petitioner through her relatives attempted for reunion but the defacto complainant did not return back and she file a maintenance case in M.C. No.120 of 2021 on the file of the Family Court, Trichy. While pending maintenance case, she has given complaint as against the petitioner as though the petitioner demanded additional dowry. He would also submit that other accused were granted anticipatory bail in CrI.O.P (MD) No.18958 of 2022 and now major part of the investigation is over. He would also submit that the petitioner has filed HMOP No.344 of 2022 on the file of the Family Court and it is also pending. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (CrI. Side) appearing for the respondent would submit that the petitioner had married the defacto complainant on 03.11.2019 and thereafter the petitioner along with his family members harassed the defacto complainant and demanded additional dowry, hence he strongly opposed to grant anticipatory bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that it is a case of matrimonial dispute between the parties, 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, Lalgudi 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 daily at 5.30 pm., 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/-

19/12/2022

/ TRUE COPY /

/12/2022

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
LALGUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION, LALGUDI,
TIRUCHIRAPPALLI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. ANTONY ARULRAJ.T Advocate SR.No.15103

ORDER

IN

CRL OP(MD) No.22402 of 2022
Date :19/12/2022

SA/BUC/SAR.1/26.12.2022/3P/6C