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Crl.O.P.No.12585 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

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

Crl.O.P.No.12585 of 2023

Dhanapal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Melmaruvathur.

(Crime No.09 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.09
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.Nirmal Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 28.04.2023 in Crime No.09 of 2023 registered for the offence under Section 498(A), 494, 294(b), 506(i) of IPC, Section 4 of TNPHW Act and Section 4 of DP Act, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the marriage between the petitioner and the defacto complainant was solemnized on 09.02.2019 and after their marriage, he used to quarrel with the defacto complainant by demanding more dowry. Further, when the defacto complainant went to her parents house for delivery, the petitioner taking advantage of that time, got married to another women named one Kavitha/A2 and when it was questioned by the defacto complainant, the petitioner along with A2 abused her in a filthy language and also threatened her. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to matrimonial dispute, a false complaint has been given against him. He would further submit that the co-accused /A2 in this case has already been enlarged on bail by the trial Court. He would also submit that the petitioner is in custody from



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28.04.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the marriage between the petitioner and the defacto complainant was solemnized on 09.02.2019 and after their marriage, he used to quarrel with the defacto complainant by demanding more dowry. Further, when the defacto complainant went to her parents house for delivery, the petitioner got married another women named one Kavitha/A2 and when it was questioned by the defacto complainant, the petitioner along with A2 abused her in a filthy language and also threatened her. He would further submit that the investigation is still pending. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case



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and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.II, Madurantakam**, and on further conditions that:

[a] 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., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

12.06.2023

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To

1. The Judicial Magistrate No.II,
Madurantakam.
2. The Inspector of Police,
All Women Police Station,
Melmaruvathur.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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