



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

Wednesday, the Fifteenth day of February Two Thousand and Twenty
Three

WEB COPY

PRESENT

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

CRL.O.P(MD)No.1285 of 2023

Miller Kumar

...Petitioner/Accused No.1

-VS-

1.The State represented by
The Inspector of Police,
All Women Police Station, Keeranur,
Pudukottai District.
(in Cr.No.9 of 2022)

...Respondents/Complainant

2.Jansi

(R2 was *suo motu* impleaded
vide order of this Court,
dated 24.01.2023 in Cr1 OP
(MD)No.1285 of 2023)

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.9 of 2022.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R1	: Mr.A.Albert James Government Advocate (Crl.side)
For R2	: Mr.P.Ragunathan

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent Police for the offences punishable under Sections 294(b),
498(A), 354 and 506(i) of IPC in Crime No.9 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 marriage between the first accused and the de-facto
complainant was solemnized on 21.01.2009. After marriage, the
accused persons harassed the de-facto complainant by demanding more



dowry and attacked the father of the de-facto complainant threatened them with dire consequences. Hence, the complaint. 30

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 a case of simple matrimonial dispute has been projected as a criminal case. The petitioner had been repeatedly asking the de-facto complainant and his daughter to come to join him, whereas, the de-facto complainant till the death of her father did not opt for coming and joining the petitioner and after the death of her father, she has given a false complaint against the petitioner. He would also submit that to show his *bona fide*, the petitioner had also deposited an amount of Rs.5,00,000/- in a term deposit in favour of the minor daughter in State Bank of India, Keeranur Branch. He would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the marriage between the first accused and the de-facto complainant was solemnized on 21.01.2009. After marriage, the accused persons harassed the de-facto complainant by demanding more dowry and attacked the father of the de-facto complainant and also threatened them with dire consequences. Hence, he would oppose for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R. and also the fact that the petitioner has deposited a sum of Rs.5,00,000/- in favour of her minor daughter, 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, Keeranur, 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 06.30 p.m., for a period of one weeks and thereafter, as and when required.

[c] the petitioner shall not tamper with evidence or witness 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/-

15/02/2023

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/02/2023

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

CMR

TO

1.The Judicial Magistrate, Keeranur.

2.Do through the Chief Judicial Magistrate,
Pudukottai District.

3.The Inspector of Police,
All Women Police Station, Keeranur,
Pudukottai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.GANAPATHI SUBRAMANIAN P Advocate SR.No.2535(I)

ORDER

IN

CRL OP(MD) No.1285 of 2023

Date :15/02/2023

NA/BUC/SAR-3/24.02.2023/3P/6C