



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

PRESENT

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

CRL.O.P (MD) No.384 of 2023

WEB COPY

K.Navin Kumar

...Petitioner/Accused No.1

-vs-

The State rep.by,
The Inspector of Police,
All Women Police Station,
Ramanathapuram District.
(in Cr.No.03 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.03 of 2022.

For Petitioner : Mr.K.A.Raamakrishnan,
Advocate.

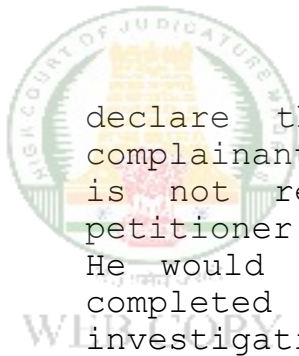
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 498(A) IPC and Section 4 of Dowry Prohibition Act in Crime No.03 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 first accused promised to marry the defacto complainant and had physical relationship with her and on knowing the pregnancy of her, the accused demanded dowry to get married and asked her to abort the child. Subsequently, the marriage was solemnized on 14.11.2021. Even thereafter, the accused harassed her demanding dowry. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is working in a ship and there is absolutely no physical relation between the petitioner and defacto complainant and the petitioner is not responsible for her pregnancy. However on filing a false complaint, the petitioner was forced into a marriage and since the petitioner was forced to marry her, he has filed O.S.No.159 of 2021 in the Principal District Munsif, Ramanathapuram seeking to



declare the marriage between the petitioner and the complainant as null and void. He would reiterate that the petitioner is not responsible for the child. He would submit that the petitioner is ready to furnish his blood sample for taking DNA test. He would also submit that major part of investigation has been completed and he is ready to appear before the respondent for investigation.

4.The learned Government Advocate (Crl.side) would submit that the petitioner had promised to marry the defacto complainant and had sexual relationship with her due to which she got pregnant and thereafter he refused to marry her. On the complaint, the first accused married the defacto complainant and after marriage also, the petitioner has demanded dowry and has also filed a suit to declare the marriage between him and the defacto complainant as null and void. He would oppose for grant of anticipatory bail to the petitioner. He has also filed a status report before this Court.

5. Heard. Perused materials available on recording including the status report.

6.Taking into consideration the facts and circumstances of the case, 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 Additional Mahila Court, Ramanathapuram, 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., until further orders and in the event of the respondent filing a petition seeking for blood sample for taking DNA test, the petitioner shall furnish the blood sample and if the petitioner refuses to furnish blood sample, the anticipatory bail granted to the petitioner shall be cancelled.

[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.

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

24/01/2023

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/02/2023

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

CM

TO

1 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
RAMANATHAPURAM.

2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.RAAMAKRISHNAN KA Advocate SR.No.1223(I)

ORDER

IN

CRL OP(MD) No.384 of 2023

Date :24/01/2023

VA/BUC/SAR-3/03.02.2023/2P/6C