



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

PRESENT

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

CRL.O.P(MD)No.1089 of 2023

WEB COPY

Pradeep @ Prem

...Petitioner/Accused No.7

-vs-

State represented by
The Inspector of Police,
All Women Police Station,
Theni District.
(in Cr.No.29 of 2022)

...Respondent/Complainant

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

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. 29 of 2022.

For Petitioner : Mr.M.Prabu, Advocate

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406, 109, 506(i) IPC r/w Section 4 of Dowry Prohibition Act in Crime No. 29 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 though at the time of marriage the defacto complainant gave 25 sovereigns of gold jewels to his two daughters, who were given in marriage to his sister's sons, subsequently, the accused 1 and 2 have demanded more dowry from his daughters on the instigation of the petitioner. 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 co-accused has been granted anticipatory bail by this Court in Crl.O.P(MD)Nos.49 and 51 of 2022 and

https://www.mca21.com/... Division is over. He prays for grant of anticipatory bail to



the petitioner.

4.The learned Government Advocate (Crl.side) would submit that investigation has been completed and final report has been filed and the same has been taken on file in C.C.No.283 of 2022 on the file of the Additional Mahila Court, Theni.

5.Taking into consideration the facts and circumstances of the case, 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 Additional Mahila Court, Theni 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 Additional Mahila Court, every day at 10.30 a.m for a period of one week and thereafter on the dates fixed by the court.

[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/-

20/01/2023

/ TRUE COPY /

/01/2023

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



TO

1 THE ADDITIONAL MAHILA COURT,
THENI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.PRABU.M Advocate SR.No.871(I)

ORDER

IN

CRL OP(MD) No.1089 of 2023

Date :20/01/2023

VA/MMS/SAR-2/30.01.2023/3P/5C