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CRL.O.P(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2023

PRESENT

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

CRL.O.P(MD)No.1219 of 2023

Dharmaraj Abraham

...Petitioner/Accused No.3

-vs-

The State represented by
The Inspector of Police,
All Women Police Station, Valliyoor
Tirunelveli District.
(in Cr.No.17 of 2021)

...Respondent/Complainant

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 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.17 of 2021.

For Petitioner : Mr.K.Rajeshwaran, Advocate

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 498(A), 494, 406 and 506(i) of IPC in Crime No.17 of 2021 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 marriage between her and the first accused was performed on 06.06.2019 and after she became pregnant, she was driven out of the matrimonial home and later, the first accused, with the help of the other accused, had performed a second marriage with the fourth accused. When it was questioned by the de-facto complainant, the accused persons have abused her in filthy language and also criminally intimidated her. Hence, the case.

3.The learned Counsel for the petitioner would submit that the complainant is an innocent and a false complaint has been given

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against him. He would also submit that A1 has been arrested and he has been enlarged on bail. He would further submit that the petitioner is the father of the first accused and he is not aware of the second marriage of the first accused. He would pray for anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.side) would submit that the marriage between the de-facto complainant and the first accused was performed on 06.06.2019 and after the de-facto complainant became pregnant, she was driven out of the matrimonial home and later, the first accused, with the help of the other accused, had performed a second marriage with the fourth accused. When it was questioned by the de-facto complainant, the accused persons have abused her in filthy language and also criminally intimidated her. 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., 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 Court, Radhapuram, Tirunelveli District, 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., for a period of two weeks and thereafter, every Saturday at 10.30 am 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 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/-
23/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

TO

- 1 THE JUDICIAL MAGISTRATE,
RADHAPURAM, TIRUNELVELI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
VALLIYOOR, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-1015[I] dated 24/01/2023)

ORDER
IN
CRL OP(MD) No.1219 of 2023
Date :23/01/2023

PKP/SSS/SAR-3/31.01.2023/3P/6C