



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

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

CRL.O.P (MD) No.2139 of 2023

WEB COPY

N.Ramesh

...Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
All Women Police Station, Sattur,
Virudhunagar District.
(in Cr.No.4 of 2021)

...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.4 of 2021.

For Petitioner : Ms.S.Mahalakshmi, 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 Sections 294(b), 498-A, 406 and 506(i) of IPC r/w Section 4 of Dowry Prohibition Act, under Section 4 of TNPHW Act and Section 75 of Juvenile Justice (Care and Protection of Children) Act in Crime No.4 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 the petitioner and the de-facto complainant was solemnized on 27.05.2015 and thereafter, the accused persons have demanded more dowry from the de-facto complainant's parents and harassed her and also threatened her. 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 petitioner is the husband of the de-facto complainant and earlier, based on the direction of the learned



Judicial Magistrate under Section 156(3) Cr.P.C., on the complaint given by the de-facto complainant, the respondent police conducted an enquiry in C.S.R.No.292 of 2020 and during such time, the parties have exchanged the articles and on 29.01.2021, the entire jewels belongs to the de-facto complainant have been handed over to her and now belatedly, a false complaint has been given against the petitioner and other accused. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that due to dispute with regard to additional dowry, the petitioner and other accused have harassed the de-facto complainant and also threatened her. He would also submit that as per the complaint, 30 sovereigns of jewels remain to be handed over to the de-facto complainant by the accused persons. He would oppose for grant of anticipatory bail to the petitioners.

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 No.I, Sattur in Virudhunagar 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 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]**.



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[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-
02/02/2023

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

CMR

TO

1. The Judicial Magistrate No.I, Sattur in Virudhunagar District.
2. -Do- Through The Chief Judicial Magistrate,
Virudhunagar District @ Srivilliputhur.
3. The Inspector of Police,
All Women Police Station, Sattur,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.MAHALAKSHMI.S Advocate SR.No.1749(I)

ORDER
IN
CRL OP(MD) No.2139 of 2023
Date :02/02/2023

VA/CG/SAR-1/09.02.2023/3P/6C