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CRL OP(MD).



23

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

Date : 21/02/2023

PRESENT

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

CRL OP(MD) . No.3353 of 2023

Joseph Stalin

... Petitioner/Accused NO.I

Vs

The State Rep.by.
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.19/2023)..

... Respondent/Complainant

For Petitioner : M/s.Rajesh K,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.19/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 294(b), 323 of I.P.C, in Crime No.19 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Yuvanchizen is that she was married to the first accused on 03.02.2022 as per the Christian Rites. At the time of marriage, 10 ½ sovereigns of gold jewels and sridhana articles worth about Rs.20,000 were given. Even on the first day, the defacto complainant came to know that the first accused was having a relationship with a lady, with whom he was talking over phone for a long time. When she informed the same to his parents, they demand more dowry from her. Further allegation is that the accused persons used to harass her by demanding dowry and sent her out of the matrimonial home. Hence, the



3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that a case of matrimonial dispute has been exaggerated and a false complaint has been given. He would further submit that co-accused were granted anticipatory bail by this Court in Crl.O.P(MD) No.2442 of 2023 dated 09.02.2023, hence he seeks bail

4. The learned Additional Public Prosecutor submitted that in this case, the accused persons had demanded dowry and harassed the defacto complainant, by way of demanding dowry, hence he seeks to dismiss the petitioner. However he would submit that co-accused were granted anticipatory bail by this Court in Crl.O.P(MD) No.2442 of 2023 dated 09.02.2023

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also the fact that it is a case of matrimonial dispute and the fact that co-accused were granted anticipatory bail by this Court in Crl.O.P(MD) No.2442 of 2023 dated 09.02.2023 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 Additional Mahila Court, Magisterial Level, Dindigul 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 daily at 10:30 a.m., for a period of two weeks, thereafter, as and when required for interrogation

[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/-

21/02/2023

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/02/2023

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

TO

- 1 THE JUDGE,
ADDITIONAL MAHILA COURT, MAGISTERIAL LEVEL,
DINDIGUL.
- 2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL.
- 3 THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3353 of 2023

Date :21/02/2023

KB/SAR III(24.02.2023) 3P 5C