



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.3212 of 2023

WEB COPY

Dheenathayalan

...Petitioner/Accused No.1

-vs-

The State Rep.by
The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(in Cr.No.327 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.327 of 2022.

For Petitioner
For Respondent

: Mr.M.Vignesh Kumar
: 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), 406, 294(b) and 506(i) of IPC in Crime No.327 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 petitioner and the de-facto complainant are husband and wife and the accused persons by demanding more dowry, harassed the de-facto complainant and also assaulted 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 marriage between the petitioner and the de-facto complainant was solemnized on 10.03.2019 and due to difference of opinion, the de-facto complainant has left the matrimonial home without informing the petitioner and the petitioner has also filed a petition for divorce in H.M.O.P.No.242 of 2022 on the file of the Family Court, Dindigul, and only after receiving the notice, a false complaint has been given. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner and the de-facto complainant are husband and wife and the accused persons by demanding more dowry, harassed the de-facto



complainant and also assaulted 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 No.2, Dindigul 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]**.

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

sd/-
20/02/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.2,
DINDIGUL DISTRICT.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE
DHADIKOMBU POLICE STATION
DINDIGUL.

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

+1. CC to M.VIGNESH KUMAR Advocate SR.No.2622

ORDER

IN

CRL OP (MD) No.3212 of 2023

Date :20/02/2023

MGJ/BUC/SAR 2/27/02/2023/3P/6C