



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

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

CRL.O.P (MD) No.4211 of 2023

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Arokia Praveen

...Petitioner/1st Accused

-vs-

State represented by
The Inspector of Police,
All Women Police Station,
Thiruverambur,
Trichy District
(In Cr.No.4 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No. 4 of 2023 on the file of the respondent Police.

For Petitioner : Mr.S.Poornachandran

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), 294(b), 323, 506(ii) IPC in Crime No.4 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Anupriya, who claims the petitioner to be her husband, is that the father of the petitioner asked the petitioner to leave the defacto complainant and the father told her that if she leaves the petitioner he will pay a lump sum to her and the defacto complainant got pregnant and the petitioner and his father insisted her to abort the same and the petitioner used to abuse the defacto complainant filthily. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant were living together for quite sometime and apart from the petitioner, the defacto complainant was also having other relationship whereas now the petitioner claims that the petitioner is responsible for her pregnancy and she is ready to leave the petitioner and for that, she



demanded huge amount as compensation and thereby a false it has been given. He would further submit that admittedly, the respondent has registered a case for offences under Section 498(A) IPC but even as per the complaint there is no demand of dowry and harassment thereby he would seek for anticipatory bail.

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4.The learned Government Advocate (crl.side) would submit that the petitioner and the defacto complainant belong to different religion and they were living together and as per the complaint, the victim has become pregnant and the petitioner has refused to marry her and his father had threatened her and thereby he would oppose to grant anticipatory bail.

5.Heard and perused the materials available on record. 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 learned Additional Mahila Court, Trichy, on condition that the petitioner shall execute 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 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/-

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

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TO

- 1.THE ADDITIONAL MAHILA JUDGE, TRICHY.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVERAMBUR,
TRICHY DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.4211 of 2023

Date :03/03/2023

RD/AR/SAR-3(10/03/2023) 4P/4C