



WEB COPY

CRL OP (MD)



123

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/03/2023
PRESENT

The Hon`ble **Mr.Justice G.K.ILANTHIRAIYAN**

CRL OP(MD) . 6008 of 2023

Alagarsamy @ Atchayaramkumar

... Petitioner/Petitioner/Accused No.1

Vs

1.The State rep., by
The Inspector of Police,
All Women Police Station,
Jeeyapuram, Trichy District.
(Crime No.25 of 2022)

... Respondent/Respondent/Complainant

2.R.Nageshwari
(R2 is Su-Motu impleaded as Party)

... Respondent/Respondent/
Defacto Complainant

For Petitioner : Mr.M.Pitchai Muthu, Advocate
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

PETITION FOR Anticipatory Bail Under Sec.438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No.25 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 342 and 498(A) of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.25 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute between the husband and wife, the petitioner along with other accused harassed the de-facto complainant by demanding additional dowry. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.



4.heard the learned Additional Public Prosecutor appearing for the respondent police.

5.Taking into consideration of the facts and circumstances of the case, the custodial interrogation of the petitioner is not required. Accordingly, 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, Additional Mahila Court, Trichy, 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 and 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/03/2023

/ TRUE COPY /

/04/2023

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



RMK

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JEEYAPURAM, TRICHY DISTRICT.

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

ORDER

IN

CRL OP (MD) No.6008 of 2023

Date :30/03/2023

SA/BUC/SAR.4/11.04.2023/3P/5C