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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/03/2023

PRESENT

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

CRL OP(MD) . No.6142 of 2023

M.Nagarajan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Keelakkarai AWPS,
Ramanadhapuram District.
Crime No.15 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Selvin rajesh.J, Advocate
for M/s.Dictum Law Firm,

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervener: M/s.T.Veerakumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.15 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498-A of IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime No.15 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 08.09.2019. After marriage, the accused persons harassed the defacto complainant by demanding more dowry and also tried to attack the complainant and her child. Hence, the complaint.

<https://www.mca.gov.in/>



3. The learned counsel for the intervenor objected at anticipatory bail to the petitioner stating that there is no change in circumstances of the case to consider to consider the present anticipatory bail. He would further submit that the petitioner herein is the husband of the defacto complainant and according to the complainant the petitioner failed to return the jewels which were presented to her at the time of marriage.

4. Heard both sides and perused the materials available on record including the First Information Report.

5. Taking into consideration of the facts that it is a case of matrimonial dispute between the parties, 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 Additional Mahila Court, Ramanathapuram 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 am., 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 absconds, a fresh FIR can be registered under Section 229A IPC.



[g] the defacto complainant is at liberty to approach the concerned court for appropriate relief.

sd/-
31/03/2023

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/04/2023

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

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TO

1.THE JUDGE, ADDITIONAL MAHILA COURT, RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE,
KEELAKKARAI AWPS,
RAMANADHAPURAM DISTRICT.

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

+1 CC to M/s.DICTUM LAW FIRM, Advocate (SR-5253[I] dated
31/03/2023)

ORDER
IN
CRL OP(MD) No.6142 of 2023
Date :31/03/2023

RK/BUC/SAR-3(06/04/2023) 3P/5C