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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2023

PRESENT

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

CRL OP(MD) . No.5596 of 2023

Gopikumar,

... Petitioner/Accused No.1

Vs

The Inspector of Police,
All Women Police Station,
Virudhunagar District.
(Crime No.2/2023)

... Respondent/Complainant

Pooja

... Petitioner / Intervenor /
Defacto Complainant
in Crl.MP(MD)No.8108 of 2023

For Petitioner : Mr.L. Prabhu,
Advocate.

For Intervenor : Mr.J.Sankarapandian
Advocate

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

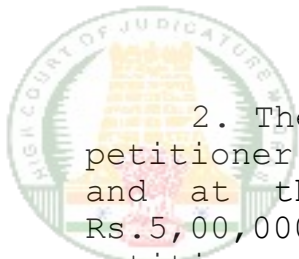
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.2/2023 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 498(A)
and 506(i) of I.P.C., in Crime No.2 of 2023 on the file of the
respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the marriage between the petitioner and the defacto complainant was solemnized on 23.08.2020 and at the time of marriage 120 sovereigns of gold jewels, Rs.5,00,000/- dowry, a car and other utensils were granted to the petitioner and his family members. After marriage the petitioner and the defacto complainant lived in a joint family and they were blessed with a male child on 06.06.2021. The further allegation is that the petitioner herein developed extra marital relationship with one kaviya and started living with her in Chennai. Pursuant to which the petitioner was traced out by the police and on that basis a complaint was preferred. Thereafter the petitioner and his family members demanded more dowry and harassed her, hence the case.

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

4. It is seen that earlier the matter was referred before mediation and no settlement has been arrived between the parties. The learned counsel for the defacto complainant/intervenor would submit that the petitioner got married another lady and also gave birth to a child. Further the petitioner also refused to return the jewels and other sreedhana articles of the defacto complainant.

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 learned Judicial Magistrate No.II, Virudhunagar 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] During enquiry if any articles or jewels are found in custody of the petitioner the respondent police is directed to take appropriate steps to return the same to the defacto complainant.

sd/-
26/06/2023

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/07/2023

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

AAV

TO

1. The Judicial Magistrate No.II, Virudhunagar

2. do through The Chief Judicial Magistrate,
Virudhunagar at Sriviliputhur.

3. The Inspector of Police,
All Women Police Station,
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.L.PRABHU, Advocate (SR-9548[I] dated 26/06/2023)

ORDER

IN

CRL OP(MD) No.5596 of 2023

Date :26/06/2023