



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.10734 of 2023

Sathyanarayana

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
South, Madurai City.
(Crime No.5 of 2023).

... Respondent/Complainant

For Petitioner : M/s.R.Gandhi, Senior Counsel
for Mr.B.Selvendran, Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.5 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 03.06.2023 for the offences under sections 498(A), 406 and 506(i) of IPC in Crime No.5 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the marriage between the petitioner and the defacto complainant was solemnized on 15.07.2019 and at the time of marriage 100 sovereigns of gold jewels and household articulated worth about Rs.5 lakhs were given as dowry. After marriage the petitioner had taken the defacto complainant to France where he was working, where in a drunken mood he compelled the defacto complainant to consume liquor and when she refused he attacked her. Thereafter the petitioner and his family members demanded more dowry and harassed the defacto complainant. Further the defacto complainant had given birth to a female child on 28.03.2021 and till now the petitioner and his family members refused to take back the defacto complainant, hence the case.



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

4. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration and also the fact that it is matrimonial dispute between the parties, this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate No.IV, Madurai and on further conditions that:

[b] 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.

[c] 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 interregation.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-

16/06/2023

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16/06/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SOUTH, MADURAI CITY.

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

+1 CC to M/s.S.VIJAYAKUMAR, Advocate (SR-8911[I] dated 16/06/2023)

ORDER

IN

CRL OP(MD) No.10734 of 2023

Date :16/06/2023

RS/VR/SAR-(16.06.2023) 3P 7C