



CRL OP(MD). No.14314 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14314 of 2023

Viginkumar

... Petitioner/ Accused No.1

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District,
Crime No.18/2023.

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.18 of 2023 on the file of the respondent police



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ORDER : The Court made the following order :-

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The petitioner/Accused No.1 herein, who was arrested on 08.07.2023 for the alleged offence under Sections 294(b), 498(A), 494, 506(ii) of IPC r/w 109 of IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime No.18 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the marriage was held between the petitioner and the defacto complainant 16 years back. The petitioner used to harass the defacto complainant demanding more dowry. The same was denied by her. While being so, the petitioner performed second marriage with a girl, who was aged about 18 years at the time of occurrence. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution.

4.It is a matrimonial issue between the defacto complainant and the petitioner herein. Over which a complaint was given by the petitioner for reunion. There was difference of opinion between them. On the basis of the above said complaint, the petitioner made request for reunion. Thereafter, it was closed. Later the present complaint has been filed stating that he performed the second marriage with some



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other girl, who is aged about 18 years on the date of occurrence. On coming to know the above said second marriage, the defacto complainant enquired the above said issue. At that time, he threatened the defacto complainant with dire consequences. Hence, the complaint has been lodged. The learned counsel for the petitioner would submit that he is ready to pay the maintenance to the children. The petitioner is having three child. The defacto complainant along voluntarily left the matrimonial home. There is no question of any compromise.

5.Considering the above said facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions. The petitioner shall pay a sum of Rs.5,000/- to each of his children as monthly maintenance till further orders, if any by any Court. He shall file an undertaking affidavit before the trial Court to that effect.

6.On such filing of affidavit, the petitioner is ordered to be released on bail, on executing a personal 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.I, Kulithurai, Kanniyakumari District and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders. If



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any violation of the above said conditions is noted, it shall be brought to the notice
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either before this Court or before the trial Court, which will be taken care.

sd/-
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04/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The Judicial Magistrate No.I, Kulithurai,
Kanniyakumari District.
- 2.Do Through The Chief Judicial Magistrate,
Kanyakumari @ Nagercoil.
- 3.The Inspector of Police,
All Women Police Station,
Marthandam,Kanyakumari District,
- 4 The Officer In charge,
District Jail, Nagercoil.
- 5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-11864[I] dated 04/08/2023)

ORDER
IN
CRL OP(MD) No.14314 of 2023
Date :04/08/2023

RK (04/08/2023) 4P /7 C

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