



CRL OP(MD). No.15660 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15660 of 2023

Naveen Aravinth

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station ,
Palayamkottai,
Tirunelveli District,
Crime No.20/2023.

... Respondent/Complainant

For Petitioner : Mr.Ramesh.M.I,Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.20/2023 on the file of the respondent police

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioner/Accused, who apprehends arrest at the hands of the



CRL OP(MD). No.15660 of 2023

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respondent police for the offences punishable under sections 294(b), 323, 498(A), 313, 506(ii) I.P.C, in Crime No.20 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and the petitioner was solemnized on 20.01.2022 at Tirunelveli and the parents of the defacto complainant gave 150 sovereigns of gold jewels and 10 Kgs of silver ornaments and house hold articles worth about Rs. 10 Lakhs, as sridhana. From the first day of marriage itself, the petitioner and his family members harassed the defacto complainant and demanded more dowry. The Petitioner and his family members scolded the defacto complainant with abusive languages and threatened her. The petitioner demanded a sum of Rs.40 lakhs and got Renaul Kiger car. While they lived in Bangalore, the defacto complainant got pregnant and blessed with one male child. Again, the petitioner had physical relationship with the defacto complainant forcibly, thereby, she got pregnant. The petitioner forced her to abort the same. When the defacto complainant went to Banglore, she noticed that the petitioner had illicit relationship with some other girl and he kicked her in stomach, thereby, she got aborted. On 24.06.2023, the defacto complainant went to her matrimonial house and informed about the incident happened at Bangalore. However, the parents of the petitioner refused to hear the words of the defacto



CRL OP(MD). No.15660 of 2023

complainant and scolded her with filthy languages and threatened with her and her father with dire consequences and also demanded dowry. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. The petitioner has been falsely implicated in this case, on account of matrimonial dispute. He would further submit that the injured has been discharged from the hospital. Hence, he seeks anticipatory bail.

4.Mr.K.Suyambulinga Bharathi, learned counsel submitted that he is going to file intervening petition, on behalf of the defacto complainant. Since the case is posted for hearing today, the learned counsel appeared before this Court without any application. Hence, the request made by the learned counsel is rejected by this Court.

5.The learned Additional Public Prosecutor would submit that though the injured has been discharged from the hospital, due to family dispute between the parties, the petitioner has abused, harassed and assaulted the defacto complainant, who is his wife and caused abortion. Hence, he objected to grant anticipatory bail to the petitioner

6.Heard both side and perused the materials available on record.



CRL OP(MD). No.15660 of 2023

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7. Considering the rival submissions made on either side and considering the fact that the injured has been discharged from the hospital and also considering the nature of matrimonial dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

8. 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.I, Tirunelveli 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the concerned respondent Police daily at 10.00 A.M. until further orders;

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial;

[d] 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



CRL OP(MD). No.15660 of 2023

in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

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[e] If the accused thereafter absconds, a fresh FIR can be registered under

Section 229A IPC.

sd/-
29/08/2023

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/09/2023

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

PNM

TO

- 1 THE JUDICIAL MAGISTRATE NO. I
TIRUNELVELI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION , PALAYAMKOTTAI,
TIRUNELVELI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.I.RAMESH, Advocate (SR-12905[I] dated 29/08/2023)

ORDER

IN

CRL OP(MD) No.15660 of 2023

Date :29/08/2023

PKP/JGB/SAR- /31.08.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified

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