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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15699 of 2023

Navinkumar,

... Petitioner/ Accused No.1

Vs

The State Represented by
The Insepctor of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.441 of 2023).

... Respondent/Complainant

For Petitioner : M/s. Sankarakumarakuruparan.K.,
Advocate.

For Intervenor : M/s.K.Rajasekar
Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.441 of 2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioner/ A1 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406,498(A), 506(i) of IPC in Crime No.441 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 01.12.2019 and at the time of marriage the father of the defacto complainant gave a sum of Rs.1,50,000/- cash and 18 sovereigns of gold jewels as sreedhana and after marriage they were living happily. After few months of marriage the first accused regularly come to house in a drunken mood and harassed her . Therefore the defacto complainant lodged complaint before the respondent police, no action has been taken. Hence she has filed a complaint under Section 156(3) before the Mahila Court, Dindigul and based on the direction issued by the learned Magistrate this case has been registered.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He would further submit that due to some matrimonial dispute a false case has been foisted against him, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner herein along with other accused caused cruelty on the defacto complainant, hence he

<https://www.mhc.tn.gov.in/judis>



objected to grant anticipatory bail to the petitioner.

5. The learned counsel appeared on behalf of the intervenor/defacto complainant and he was permitted to putforth his arguments. He strongly objected to grant anticipatory bail to the petitioner on the ground that he caused cruelty on the defacto complainant by demanding additional dowry.

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

7. Considering the rival submissions on either side and considering the relationship between the parties and also considering the nature of offences, 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, Additional Mahila Court, Dindigul 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 respondent police on every Sunday at 10.30 a.m., until further orders.

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



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

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

sd/-
30/08/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.



3 THE INSEPCTOR OF POLICE
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.K.P.SANKARAKUMARKURUPARAN, Advocate (SR-12988[I] dated
31/08/2023)

ORDER
IN
CRL OP(MD) No.15699 of 2023
Date :30/08/2023

SSA/JGB/07.09.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023