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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22431 of 2022

Karthikeyan

... Petitioner/Accused No.1

Vs

1. The State rep.by,
Inspector of Police,
All Women Police Station, Musiri,
Trichy District.
(Crime No.12/2022) .

... Respondents/Complainants

2. Haripriya

... Respondent No.2

(R2 is suo-motu impleaded vide order
dated 03/01/2023 in CRL OP(MD)No.22431 of 2022)

For Petitioner : M/s.Vadivelan T,
Advocate.

For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)

For R2 : Mr.K.Arunraj, Advocate
& Intervenor

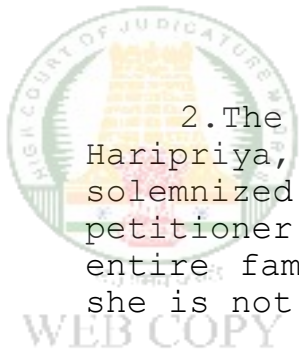
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.12/2022 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),
294(b), 323, 506(ii) and 109 of I.P.C., in Crime No.12 of 2022 on
the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution, as per the de-facto complaint at Haripriya, is that the marriage between her and the petitioner was solemnized on 30.10.2020 and within 15 days of marriage, the petitioner had humiliated her by teasing her body appearance and the entire family members have continuously harassed her stating that she is not beautiful. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he and his family members had been falsely implicated in this case. He would further submit that the de-facto complainant had left the matrimonial home within 15 days of marriage and thereby, a false complaint has been given. He would further submit that there is no allegation of the demand of dowry and thereby, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner had humiliated the de-facto complainant by teasing her body appearance and the entire family members have continuously harassed her stating that she is not beautiful. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail and also concedes the submission made by the learned Government Advocate (Crl. side) for the respondent police.

6.Heard. Perused the materials available on record including the First Information Report.

7.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain 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 Court, Musiri, 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 a.m., for a period of two weeks and thereafter, on every alternate day at 10.30 a.m., until further orders.



[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.

sd/-

10/02/2023

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

sjj

TO

1.THE JUDICIAL MAGISTRATE COURT, MUSIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MUSIRI,
TRICHY DISTRICT.

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

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-2250[I] dated 14/02/2023)

ORDER

IN

CRL OP(MD) No.22431 of 2022

Date :10/02/2023

RK/BUC/SAR-4 (27/02/2023) 5P/6C