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CRL OP/ML



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 31/01/2023

PRESENT

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

CRL OP(MD) . No.63 of 2023

Manikandan

... Petitioner/Accused No.1

Vs

The State rep.by,  
The Inspector of Police,  
All Women Police Station,  
Manaparai Police Station,  
Trichy District.  
(Cr.No.13/2022).

... Respondent/Complainant

For Petitioner : M/s. Ramsundarvijayraj.S,  
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.13 of 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) and 506(1) of I.P.C., in Crime No.13 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the de-facto complainant was solemnized on 07.02.2020. After, marriage, there is some dispute arose between them, the petitioner and other accused harassed the de-facto complainant by demanding more dowry and threatened her and

<https://www.mca.gov.in/>



3.The learned counsel for the petitioner would submit that the petitioner is the husband of the de-facto complainant and the marriage between them is a love marriage and she is working as a staff nurse in the Primary Health Centre and later, due to misunderstanding, a false complaint has been given. He would further submit that the de-facto complainant's wife has also filed a petition under the Domestic Violence Act before the learned Judicial Magistrate, Manaparai, which is pending in D.V.C.No.13 of 2022 and only to harass the petitioner, a false complaint has been given.

4.The learned Government Advocate (Crl. side) would submit that the petitioner is the husband of the de-facto complainant and the marriage between the petitioner and the de-facto complainant was solemnized on 07.02.2020 and after marriage, there is some dispute arose between them, the petitioner and other accused harassed the de-facto complainant by demanding more dowry and threatened her and also driven her out of the matrimonial home. Hence, he opposed to grant anticipatory bail.

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

6.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:

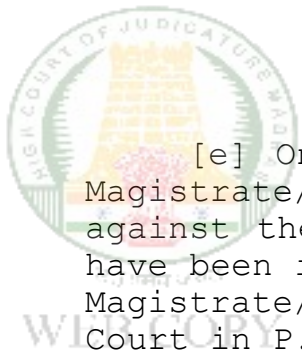
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Manapparai, on condition that the petitioner shall execute a bond for 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 Saturday 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



[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/-  
31/01/2023

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/02/2023

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

SJI

TO

1. The Judicial Magistrate, Manapparai.
2. Do-Through The Chief Judicial Magistrate,  
Trichy District.
3. The Inspector of Police,  
AWPS Manapparai Police Station,  
Trichy District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S. RAMSUNDARVIJAYRAJ.S Advocate SR.No.1518(I)

ORDER  
IN  
CRL OP(MD) No.63 of 2023  
Date :31/01/2023

VA/SSS/SAR-3/08.02.2023/2P/6C