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Crl.O.P.No.30199 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30199 of 2024

Karthikeyan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Thiruvarur.
(Crime No.39 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, pleaded to grant anticipatory bail to the petitioner in the event of his arrest or surrender in connection with the pending Crime No.39 of 2024 on the file of the respondent police.

For Petitioner : Mr.Baranidharan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.39 of 2024, registered for the offences punishable under Sections 294(b), 498(A) and 506(1) IPC, the present petition has been filed seeking anticipatory bail.



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2.The case of the prosecution is that as per the defacto complainant, viz., Gayathri, got married to the first accused on 05.09.2022 and at the time of marriage 25 soverigns of jewellery and cash given as dowry. Subsequently, the first accused husband taken her to Singapore, where the accused had committed matrimonial cruelty on her and brought her back to India and sent her to her home and not returned the said 25 soverigns of jewellery. Hence, the case.

3.Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioner seeks indulgence of this court. He would submit that the petitioner has filed a HMOP petition in HMOP No.118 of 2024 before the Sub Court, Tiruvarur. As a counter blast she has given the above said complaint.

4.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the defacto complainant, viz., Gayathri, got married to the first accused on 05.09.2022 and at the time of marriage 25 soverigns of jewellery and cash given as dowry. Subsequently, the first accused husband taken her to Singapore, where the accused had committed



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matrimonial cruelty on her and brought back to India and sent her to her home

and not returned the said 25 sovereigns of jewellery.

5.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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, Thiruvavarur, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intend 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioner shall report before the respondent police on every day 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 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 abscond, a fresh FIR can be registered under Section Section 269 of B.N.S.

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To

1.The Judicial Magistrate, Thiruvarur.

2.The Inspector of Police,
All Women Police Station,
Thiruvarur.



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3.The Public Prosecutor, High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.
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