



CRL OP(MD) No.2754 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Second day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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RAJESHKUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI TOWN,
MADURAI DISTRICT.
CRIME NO.1/2024.

... RESPONDENT

For Petitioner : M/S.B.MICHEAL SEBASTIN, Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.1/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the
respondent police for the alleged offence under Sections 498(A) and 406 of IPC, in

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



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Crime No.1 of 2024, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner is the husband of the defacto complainant. 21 years ago, the petitioner married the defacto complainant. Out of wedlock, a male and a female children were born and they are aged about 10 years. Even at the time of marriage, the defacto complainant was given sufficient sridhanas, the petitioner, his mother and one Sudha harassed the defacto complainant by demanding additional dowry and prevented her from contacting her family members for a period of 14 years. Further, the petitioner has illegal intimacy with said Sudha. Hence, the defacto complainant made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that it is purely a family dispute between the petitioner and the defacto complainant. After 21 years of marriage life, the defacto complainant lodged the present complaint against the petitioner. The two children are aged about more than 10 years and they are twins. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute between the husband and wife and the petitioner is having two children aged about more than 10 years, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the Judicial Magistrate Court No.1, Madurai, Madurai District, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank



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pass Book to ensure his identity;

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(c) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/02/2024

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/03/2024

Sub-Assistant Registrar (CS- I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss



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TO
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1. THE JUDICIAL MAGISTRATE NO.1, MADURAI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI TOWN,
MADURAI DISTRICT.

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

+1 CC TO M/S.B.MICHEAL SEBASTIN, ADVOCATE (SR-2321[I] DATED
23/02/2024)

ORDER
IN

CRL OP(MD) No.2754 of 2024

Date :22/02/2024

RK/VR(28/02/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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