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

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3241 of 2024

R.KANNAN ... PETITIONER / ACCUSED 1

Vs

THE INSPECTOR OF POLICE
AWPS THIRUVERUMBUR POLICE STATION,
TRICHY DISTRICT.
CRIME NO.9 OF 2023. ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.KARTHICK
Advocate

For Respondent : Mr.P.KOTTAICHAMY,
Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.9 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 494, 406, 420, 294(b), 323 and 506(i) IPC, in

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Crime No.09 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that there was a matrimonial dispute between the petitioner/accused No.1 and the defacto complainant and the accused persons demanded more dowry and harassed the defacto complainant. Due to difference of opinion, the petitioner has filed a divorce petition before the Family Court, Trichy and the trial Court ordered maintenance and dissolved the marriage between the defacto complainant and the petitioner vide order dated 28.09.2021. Challenging the said order, the defacto complainant has preferred appeal before this Court and obtained interim stay. When the interim stay is in force, the petitioner has married the second accused. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that due to difference of opinion, the petitioner has filed a divorce petition before the Family Court, Trichy and the trial Court dissolved the marriage between the defacto complainant and the petitioner and thereafter only, the petitioner has performed the second marriage. However, on instructions, the learned counsel appearing for the petitioner submits that the petitioner is ready to pay the entire maintenance amount as ordered by the Family Court, Trichy.

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4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and the fact that the petitioner is ready to pay the entire maintenance amount as ordered by the Family Court, Trichy, 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 learned Additional Mahila Judge, Trichirappalli, 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 their photographs and left thumb impression in the

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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)as per the undertaking given by the petitioner, the petitioner is directed to pay the entire maintenance amount as ordered by the Family Court, Trichy in H.M.O.P.No.188 of 2018 and file a necessary proof before the trial Court at the time of executing the sureties. The concerned Magistrate, after perusing the proof, shall accept the sureties furnished by the petitioner;

(d)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;

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

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

(g)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;

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

sd/-
01/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB
TO
1 THE ADDITIONAL MAHILA JUDGE,
TRICHIRAPPALLI.

2 THE JUDGE,
FAMILY COURT, TRICHY.

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

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

ORDER
IN
CRL OP(MD) No.3241 of 2024
Date :01/03/2024

SA/VR/SAR. /14.03.2024/5P/5C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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