



CRL OP(MD). No.6871 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/05/2024

PRESENT

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CRL OP(MD). No.6871 of 2024

Aengalesh,

... Petitioner/ Accused No.1

Vs

The Inspector of Police,  
All Women Police Station,  
Uthamapalayam Police Station,  
Theni District.  
Crime No. 16 of 2021.

... Respondent/ Complainant

For Petitioner : M/s.Saravanan.A,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 16 of 2021 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner, who was arrested on 10.04.2024, in connection with a case in Crime No.16 of 2021, on the file of the respondent police, for the offences punishable under Sections 406, 420, 498A, 506(i) of IPC and Section 4 of the Dowry Prohibition Act, 1961, has filed this petition seeking bail.

2. The case of the prosecution is that the defacto complainant is the wife of the petitioner. At the time of their marriage, the Defacto complainant had given 65 sovereigns of gold and Rs.10,00,000/- as cash. However, the petitioner and his family members have demanded more dowry from the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 10.04.2024. He further submits that due to ill-advice of the parents of the defacto complainant, she lodged a false complaint as against this petitioner. Hence, he prays for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent Police submits that there is a matrimonial dispute between the petitioner and the defacto complainant. After investigation, a final report has been filed and the same was taken on file in CC No.509 of 2023.

5. Heard both sides.

6. This Court, while granting bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused fleeing from justice and repeating the offence, (e) possibility of the accused (petitioner) tampering with the witnesses and obstructing the course of justice.

7. It is also settled law that at the time of consideration of bail application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioner) has committed the alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioner) is not guilty of the offences he is charged with.



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8. The Court has to strike a balance between the rights of the accused (petitioner) to his liberty and the interest of the society. Liberty of an accused (petitioner) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.

9. After taking into consideration the aforementioned factors, this Court is inclined to grant bail to the petitioner subject to fulfilment of the following conditions by him.

- i. The petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District.
- ii. The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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- iii. The petitioner shall report before the respondent police as and when required for interrogation.
- iv. The petitioner shall not tamper with evidence or witness either during investigation or trial;
- v. The petitioner shall not abscond either during investigation or trial;
- vi. 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 ;
- vii. If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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10. Accordingly, this Criminal Original Petition stands ordered.

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sd/-  
08/05/2024

/ TRUE COPY /

08/05/2024  
Sub-Assistant Registrar (Liasoning)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



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TO  
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1.THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THENI.

3.THE OFFICER IN CHARGE, SUB JAIL, UTHAMAPALAYAM, THENI.

4.THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
UTHAMAPALAYAM POLICE STATION,  
THENI DISTRICT.

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

+1 CC to M/s.A.SARAVANAN, Advocate ( SR-5300[I] dated 08/05/2024 )

ORDER  
IN  
CRL OP(MD) No.6871 of 2024  
Date :08/05/2024

RK (08/05/2024) 7P / 7C

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