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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2020

PRESENT

The Hon'ble Mr. Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6611 of 2020

1. Murugan
2. Poomathi
3. Packaiyam
4. Palaniappan
5. Murugan

... Petitioners/Accused
(Rank not known)

Vs

1. The State Rep. by
The Inspector of Police,
All Women Police Station,
Aranthangi,
Pudukkottai District
(Crime No. not known of 2020).
2. Sathya,
(R2 Suo Motu impleaded as per order
of this Court dated 21/08/2020 in
CRL.OP(MD)No.6611/2020)

... Respondents/Complainants

For Petitioner : M/s.D.Rameshkumar, Advocate.
For Respondent-1 : Mr.Kr.Bharathikannan,
Government Advocate (Crl.Side)
For Respondent-2 : Mr.T.Leninkumar, Advocate

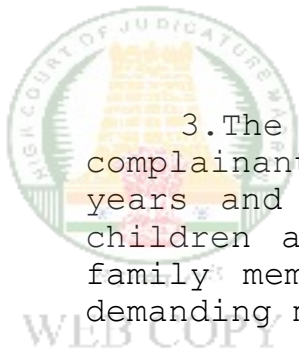
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime.No. Not known of 2020 on the
file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
294(b), 323 and 506(i) of IPC and Section 4 of TNPHW Act seek
anticipatory bail.



3. The case of prosecution is that marriage between the defacto complainant and the first petitioner was solemnized prior to 11 years and due to their wedlock they were blessed with two female children and from the date of marriage the petitioners and other family members said to have harassed the defacto complainant by demanding more dowry.

4. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them.

5. The learned Government Advocate (Crl. Side) would submit that it is a family dispute and the investigation is still pending.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is an usual family dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aranthangi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 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.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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**



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

sd/-
30/11/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
ARANTHANGI,
PUDUKKOTTAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARANTHANGI,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.6611 of 2020
Date : 30/11/2020

AAV
TE/AKM/SAR-III : 03/12/2020 : 3P/5C