



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

Date : 04/12/2020

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PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.13907 of 2020

T.Jaishankar

... Petitioner/Accused No.10

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.
Crime No.28 of 2020.

... Respondent/Complainant

For Petitioner : Mr.A.Joel Paul Antony,
Advocate.

For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.28 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.10, who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
294(b), 494, 498(A), 354, 506(i) of IPC and Section 4 of Dowry
Prohibition Act, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the de-facto complainant
is the wife of the first accused. The petitioner and other accused
persons are said to have demanded dowry and harassed the de-facto
complainant and driven out of her matrimonial home. Thereafter, the
first accused married another women, namely, Jayapriya/A2.

4.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in this
case.



5.The learned Government Advocate(Crl.Side) submit that the petitioner is the friend of A-1. A-1 has illegal contact with another lady, which was questioned by the de-facto complainant, the petitioner and A-1 attacked the de-facto complainant and his father.

6.Taking note of the above facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, Trichy 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.00 a.m., for a period of four weeks and thereafter as and when required for interrogation.

(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]***; and;

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

sd/-
04/12/2020

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/ /2020
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.

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TO

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

ORDER
IN
CRL OP(MD) No.13907 of 2020
Date :04/12/2020

SJI
TK/PN/SAR.3/08.12.2020/3P/5C