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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.2533 of 2021

1. Nisthar Ali
2. Shevu Naina @ Sheik Naina ... Petitioners/Accused No.3&6

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Ramanathapuram District.
Crime No. 4/2021. ... Respondent/Complainant

For Petitioners : Mr.Jeyakarthik.M.S.,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrayed as A3 & A6 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498(A), 417, 494, 506(i) IPC r/w Section 4 of TNPWH Act in Crime No.4 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are the brothers-in-law of the defacto complainant. The petitioners and other accused are harassed the defacto complainant by demanding additional dowry. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the other accused were granted station



bail. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that it is a family dispute and the investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that it is family dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, each of the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) (Totally Rs.20,000/-) to the account of Mr.D.Karthikeyan (Canara bank Account No.1012101043080, Tallakulam Branch, IFSC Code No.CNRB0001012)without prejudice to their rights and contentions before the trial Court. The petitioners shall produce the proof of remittance /submission of amount to the Magistrate while executing sureties.

7.On producing proof of the same, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Ramanathapuram, 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 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 5560]; and;



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

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sd/-
17/02/2021

/ /2021
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 JUDGE,
ADDITIONAL MAHILA COURT,
RAMANATHAPURAM.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-1144[I] dated 18/02/2021)

ORDER
IN
CRL OP(MD) No.2533 of 2021
Date :17/02/2021

GNS
TE/JC/SAR-II : 22/02/2021 : 3P/5C