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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/09/2021
PRESENT
The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12167 of 2021

Pappathi, ... Petitioner/Accused No.2

Vs

State Rep by,
The Inspector of Police,
All Women Police Station,
Bodinayakkanur,
Theni District
(Crime No. 15 of 2021). ... Respondent/Complainant

For Petitioner : MR.P.Banuprasath,Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 15 of 2021 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 s punishable under Sections 498(A) and 495 of IPC, in Crime No.15 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the first accused and the defacto complainant took place in the year 2018 and the accused harassed the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4. Heard, the learned Government Advocate(Crl.side) appearing for the respondent police.

5. This Court, by order dated 01.09.2021, referred the matter to the Social Welfare Committee to conduct enquiry and file a report. The District Social Welfare Officer has also filed a report

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stating that there was no demand of dowry on the part of the petitioner.

6. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, and also the fact that there was no demand of dowry on the part of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this criminal original petition is allowed and the petitioner 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 Judicial Magistrate, Bodinayakkanur, Theni District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required.

[c]the petitioner shall not tamper with the 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].**

[**f**]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

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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,
BODINAYAKANUR,
THENI DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, BODINAYAKKANUR,
THENI DISTRICT .

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

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-6673[I] dated 29/09/2021)

ORDER
IN
CRL OP(MD) No.12167 of 2021
Date :28/09/2021

PKP/SKN/SAR-4/06.10.2021/3P/6C

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