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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.13498 of 2021

1. Mary Particks Isabella
2. Sentra Victoriya

... Petitioners/Accused
Rank 2 & 3

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Golden Rock,
Trichy District.
(Crime No.3 of 2021).

... Respondent/Complainant

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

For Respondent : M/s.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 406, 506(i) of IPC and Section 4 of Tamil Nadu Dowry Prohibition Act, in Crime No.3 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused and the defacto complainant took place on 09.02.2015. After the marriage, the accused persons harassed the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. This Court, by order dated 14.09.2021, referred the matter to the Social Welfare Committee to conduct enquiry and file a report. The Social Welfare Officer has also filed a report stating that the issues between the parties has been settled amicably.

6. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, and also the fact that the issues between the parties has been settled amicably, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and 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 No.V, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners 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 Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required;

(c) the petitioners shall not tamper with the 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
28/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

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 NO.V,
TRICHY.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GOLDEN ROCK,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.13498 of 2021
Date :28/09/2021

SP/VR/SAR /07/10/2021/2P/5C