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

Date : 25.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15413 of 2021

1.Gandhi
2.V.Kaliswaran ... Petitioners/Accused 2 & 3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
[Crime No.13 of 2021] ... Respondent/Complainant

For Petitioners : M/s.S.Manikandan, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.13 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :

The petitioners, apprehending arrest at the hands of the respondent police for the offence under Sections 294(b), 498(A) and 506(i) IPC in Crime No.13 of 2021, seek anticipatory bail.

2.The prosecution case is that the first accused harassed his wife / defacto complainant and demanded dowry, along with the petitioners. Hence, the complaint.

3.The learned Counsel for the petitioner submits that the petitioners are innocents and they have not committed any offence as alleged. Moreover, the petitioners are mother-in-law and brother-in-law of the accused respectively and they are living separately. However they have also been roped as accused. This is the second



anticipatory bail petition. The first anticipatory bail petition was dismissed by this Court on the ground that the petitioners have not taken any steps for settlement, despite the interim protection. However, the now the first accused has got reunion with the defacto complainant and they are living together.

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4. Taking into consideration of the facts and circumstances of the case, the nature of allegations and the petitioners being in-laws of the defacto complainant, the photograph shown by the learned Counsel that the husband and wife are residing together, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this 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, Karaikudi 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 Judge 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 Judge 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 for interrogation;

[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 Judge/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 have been released on bail by the learned Judge/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.

Sd/-
25/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
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,
Karaikudi.
- 2.-DO- Through
The Chief Judicial Magistrate,
Sivagangai District.
- 3.The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.15413 of 2021

Date :25/10/2021

SP/VR/SAR III/29/10/2021/3P/5C