



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2021

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PRESENT

The Hon`ble **Mr.Justice B.PUGALENDHI**

CRL OP (MD).No.16024 of 2021

1.Masilamani

2.Utchimahali

... Petitioners/Accused No.2 & 3

Vs

State Through

The Inspector of Police,
Alwarthirunagari Police Station,
Thoothukudi District.

(Crime No.167 of 2021).

... Respondent/Complainant

For Petitioners : Mr.S.Selvakumar,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory Bail in Crime No.167 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 Section 306 of IPC, in Crime No.167 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the 1st accused at the instigation of the petitioners had demanded dowry from the deceased and abused her in filthy language and also harassed her for the same. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and he further submitted that



the first accused was arrested and remanded to judicial custody.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the accused persons harassed the defacto complainant's sister by demanding more dowry, due to which, she committed suicide. He further submitted that the first accused is the husband of the deceased and others are her in laws. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 a.m., until further orders.

[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]**.

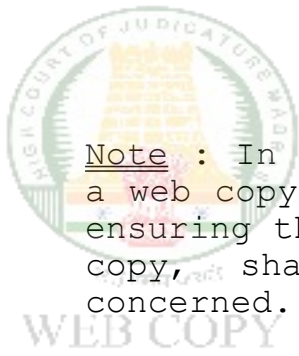
[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/10/2021

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE,
SRIVAICKUNDAM, THOOTHUKUDI DISTRICT.
- 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALWRTHIRUNAGARI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.16024 of 2021
Date :22/10/2021

SB/PN/SAR-I/10.11.2021/3P/5C