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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.1383 of 2022

1. Jeyaprakash
2. Rajalingam
3. Porselvi
4. Sarnya

... Petitioners/Accused
No.1 to 3 & 5

Vs

1. State rep.by
The Inspector of Police,
All Women Police Station,
Pudukkottai District.
(Crime No.3/2022).

... Respondent/Complainant

- (*) 2. Elakkiya

... 2nd Respondent/Defacto
Complainant

- (*) (R2-Suo Motu impleaded as per order
of this Hon'ble Court dated 04.02.2022
in Crl.O.P.(MD)No.1383/22 by GIJ)

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

For Respondent 1 : Mr.M.Aasha,
Government Advocate (Crl.Side)

For Respondent 2 : V.Selvakumar, Advocate

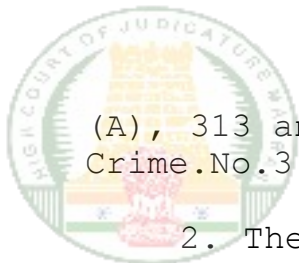
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2022 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 498



(A), 313 and 406 IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime.No.3 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that A1 is the husband of the defacto complainant and the other petitioners are in-laws of the defacto complainant and they have demanded a sum of Rs.5,00,000/- from the the defacto complainant as dowry and they have also forcibly given tablet to the defacto complainant and thereby, baby was aborted on 15.02.2021. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and seek anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that all the petitioners have joined together and aborted the child and the five witnesses are examined. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the also considering the fact that the petitioners 2 to 4 are in-laws, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

6.Accordingly, the petitioners 2 to 4 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 I Additional Mahila Court, Pudukkottai on condition that the petitioners 2 to 4 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 conditions that:

(a)the petitioners 2 to 4 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 2 to 4 shall **(*)appear before the Thiruverumbur All Women Police Station, Trichy** daily at 10.30 am until further orders.

(c)the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. In view of the endorsement made by the learned counsel appearing for the petitioners, this Criminal Original Petition is ***dismissed as not pressed against the 1st petitioner.***

Sd/-

01/11/2022

(*) Modified as per order of this Hon'ble Court in CRL MP(MD).14803 & 14801/2022 in CRL OP(MD).1383/2022 dated 30/11/2022 by AANJ.

Two Weeks time extended for furnishing sureties from the date of receipt of a copy of this order.

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/12/2022

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

TRP

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 01/11/2022 ALREADY DESPATCHED

1. THE JUDGE,
I ADDITIONAL MAHILACOURT,
PUDUKKOTTAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
THIRUVERUMBUR ALL WOMEN POLICE STATION, TRICHY.
+1 CC to Mr.S.KRISHNAN, Advocate SR-13989.

ORDER

IN

CRL OP(MD) No.1383 of 2022

Date : 01/11/2022