



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

Date : 12.04.2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.6825 of 2022

1. G.Annapooranam
2. M.Ganesan

... Petitioners/Accused No. 5&6

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Thirupparankudram,
Madurai.
(Crime No.02 of 2022)

...Respondent/Complainant

For Petitioners: Mr.J.Pandi Dorai, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.02 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.5 & A.6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 498(A) and 506(2) IPC, in Crime No.02 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused and the defacto complainant are husband and wife and the petitioners, who are the paternal uncle and aunty of the first accused, gave a guarantee for the marriage, that after the marriage the first accused started to harass the defacto complainant for dowry and then only she came to know that the first accused has already married another woman before eight years and also has a child aged about 3 years. Hence, the complaint.



3. Admittedly, the marriage between the defacto complainant and the first accused was solemnized on 25.01.2022.

4. The learned Government Advocate (Criminal Side) would submit that the first accused was already arrested and is in judicial custody.

5. The learned counsel for the petitioners would submit that the defacto complainant has not raised any specific allegations against the petitioners herein, who are relatives of the first accused.

6. Considering the above facts and circumstances and also the nature of the charges levelled against the petitioners and also the facts that the defacto complainant has raised only general and omnibus allegations against the petitioners and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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 Additional Mahila Court, Madurai, Madurai 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 second petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation and the first petitioner 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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/ TRUE COPY /

Sd/-
12/04/2022

/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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 JUDGE, ADDITIONAL MAHILA COURT, MADURAI, MADURAI DISTRICT.
2. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THIRUPPARANKUNDRAM, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.PANDI DORAI J Advocate SR.No.3421

ORDER
IN
CRL OP (MD) No.6825 of 2022
Date :12/04/2022