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CRL OP(MD). N



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

Date : 26/09/2022

PRESENT

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

CRL OP(MD). No.10629 of 2022

1. Chellakalai
2. Selvaraj
3. Lingammal
4. Sundarapandi
5. Anandavalli

... Petitioners/Accused

Vs

1. The Inspector of Police,
All Women Police Station, Thirumangalam,
Madurai District. (Crime No.18/2022).

2. Maharani
(R2 *Suomotu* impleaded as per order
Dated 15.06.2022 in CRL OP(MD)10329 of 2022)

... Respondents/Complainants

For Petitioners : M/s.Prabu M,

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

For Intervener : Mr.R.Karunanithi

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

PRAYER :-

For Anticipatory Bail in Crime No.18/2022 on the file of the
respondents police.



ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 498(A), 355, 406 IPC r/w Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.18 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first accused married the defacto complainant on 10.02.2019 and after marriage, the accused persons harassed the defacto complainant, by way of demanding additional dowry and also threatened her with dire consequences.

3. On the side of the petitioners it is stated that the petitioners are innocent and not committed any offence as alleged by the prosecution. In the complaint, it was mentioned that the occurrence was happened during the year 2020, ie., 05.01.2020 and 04.08.2020, whereas, the complaint was lodged only in the year 2022 and there was no explanation for delay. Hence, it is a false case foisted against the accused persons. Therefore, prays to release them on anticipatory bail.

4. On the side of prosecution, it is stated that the petitioners are not having any previous case at their credit. Due to the harassment of the accused persons, this complaint was lodged by the defacto complainant and prayed to dismiss the petition.

5. It is a matrimonial dispute between the defacto complainant and her husband, in-laws. Considering the nature of dispute between the parties, considering the fact of inordinate delay in lodging complaint and also the fact that the petitioners are not having any bad antecedent, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Thirumangalam. Madurai, on condition that the petitioners 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 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 daily at 10.30 am until further orders;

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

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/09/2022

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/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. The Judicial Magistrate, Thirumangalam. Madurai
2. Do Through The Chief Judicial Magistrate, Madurai.
3. The Inspector of Police,
All Women Police Station, Thirumangalam,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.10629 of 2022
Date : 26/09/2022

TR/GB/SAR-I (30.09.2022) 3P 5C