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

Date : 06/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.12333 of 2022

1. Mano
2. Vayakattusamy
3. Mageswari
4. Ranjith
5. Jayanthi

... Petitioners/Accused
Nos.1 to 5

Vs

1. State rep.by
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.
(Crime No.38/2022).

... Respondent/Complainant

- (*) 2.Rampreetha

... 2nd Respondent/Defacto
Complainant

- (*) (R2 *suomotu* impleaded as Per Order
of this Hon'ble Court dated 8/7/2022
in Cr.O.P.(MD)No.12333/22 by GIJ)

For Petitioners : M/s. Sukumar.V, Advocate

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

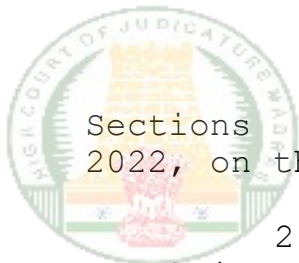
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.38/2022 on the file of the
respondent 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 498(A), 406, 294(b), 506(i) of I.P.C, in Crime No. 22 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was harassed by the petitioners, by way of demanding dowry. Hence, the complaint.

3. On the side of the petitioners it is stated that the first petitioner had filed a petition in HMOP No.21 of 2022, on the file of Sub Court, Usilampatti for restitution of conjugal rights. The defacto complainant demanded a house and jewels, worth about Rs.50 Lakhs in her custody. When the matter was referred to mediation, she is not willing for reunion. A false case has been lodged by the defacto complainant and prays to release the petitioners on anticipatory bail.

4. On the side of prosecution it is stated that totally five accused involved in the offence. A1 is the husband, A2 to A5 are in-laws of the defacto complainant. Though 106 sovereigns of gold jewels were gifted by the parents of the defacto complainant, the petitioners demanded 500 tiffin boxes and one gold bangle, during the baby shower function of the defacto complainant. On 21.01.2020, the petitioners took away all the household articles from the house of defacto complainant and on 16.02.2022, the petitioners 1, 2, 3 and 5 waylaid the defacto complainant, abused her in filthy language and threatened her with dire consequences.

5. Considering the nature of the offence and considering the allegations against the 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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 petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

<https://www.mhc.tn.gov.in/judis> (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]; and;

(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

06/09/2022

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/09/2022

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

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12333 of 2022

Date :06/09/2022