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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2022

PRESENT

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

CRL OP(MD) . No.12868 of 2022

1. Ramesh
2. Neela
3. Mahibalan ... Petitioners/Accused Nos. 1 to 3

Vs

- 1 State Rep.by
The Sub Inspector of Police,
All Women Police Station,
Aundipatti,
Theni District.
Crime No.13 of 2022. ...Respondent/Complainant
2. Jenifer ...2nd Respondent

(R2 suomotu impleaded as per order
dated 18/07/2022 by this Hon'ble
Court in Crl OP(MD)No. 12868 of 2022
by GIJ)

For Petitioners : Mr.G.Rajan, Advocate

For 1stRespondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

For 2nd Respondent: No appearance

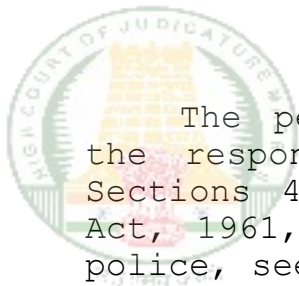
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.13 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



The petitioners/Accused, apprehending arrest at the of the respondent police for the alleged offence punishable under Sections 498(A), 406, 495 IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.13 of 2022, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized and due to wedlock the defacto complainant gave a birth to two male children. After the marriage, the defacto complainant came to know about the first marriage of her husband and the accused persons harassed the defacto complainant, by way of demanding dowry to sever the relationship between her husband and his first wife. Hence, the complaint.

3. On the side of the petitioners, it is stated that the petitioners are innocent and they have not committed any such offence, as alleged by the prosecution. The first petitioner is the husband, the second and third petitioners are in-laws of the defacto complainant. Due to the illegal intimacy of the defacto complainant with her brother's friend, the first petitioner shifted his house to Chennai and hence, this false case has been foisted against them. Hence, prays to release them on anticipatory bail.

4. On the side of prosecution, it is stated that it is the allegation of the defacto complainant that all the accused persons suppressed the first marriage of the first petitioner and in order to sever the relationship of first wife, they demanded dowry of Rs.2 lakhs and 5 sovereigns from the defacto complainant. Now the first petitioner is living in Chennai with his first wife. Investigation is not yet completed. Hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the offence, the overt acts attributed against the accused persons and considering the nature of grave offence and also the strong objection raised by the prosecution, this Court is not inclined to grant anticipatory bail to them.

6. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
28/09/2022

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/10/2022

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

TO

1 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, AUNDIPATTI,
TIRUNELVELI DISTRICT.

<https://www.mhc.trilivmudis>



2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.RAJAN, Advocate (SR-10820[I] dated 30/09/2022)

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ORDER

IN

CRL OP(MD) No.12868 of 2022

Date :28/09/2022

pnm

PKP/GB/SAR-1/11.10.2022/3P/4C