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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2022

PRESENT

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

CRL OP(MD). No.14033 of 2022

Boobalakumaran @ Bala @ Bala

... Petitioner/Sole Accused

Vs

1. The State represented by
The Inspector of Police,
Veeracholan Police Station,
Virudhunagar District.
Crime No.44 of 2022..

... Respondent/Complainant

2. Anushya

... 2nd Respondent/Defacto Complainant

For Petitioner : M/s. Balaji A,
Advocate.

For Respondents: Ms.M.Aasha, for R1
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.44 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 498(A) and 506(i) of IPC r/w 4 of TNPHW Act, in Crime No.44 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner married the 2nd respondent on 23.06.2021. The 2nd respondent made a complaint alleging that she has been subjected to cruelty by the petitioner, by the demand of additional dowry of one Air Conditioner and a cash of Rs.1,00,000/-. Hence, the case has been registered.



3. On the side of the petitioner, it has been stated that it is a matrimonial dispute. The matter was amicably settled before the Mediation Centre and compromise was reached between the parties.

4. On the side of the respondent police it has been stated that both parties arrived at a compromise before the Mediation Centre.

5. Considering the facts and circumstances of the case and considering the Mediation Report, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Thiruchuli, on condition that the petitioner 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 petitioner 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 as and when required for interrogation;

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

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

sd/-

12/10/2022

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/10/2022

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

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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.



WEB COPY

1 THE JUDICIAL MAGISTRATE,
THIRUCHULI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
VEERACHOLAN POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S. BALAJI A Advocate SR.No.49333(F)

ORDER

IN

CRL OP(MD) No.14033 of 2022

Date :12/10/2022

SS/GB/SAR /27/10/2022/ 3P 6C