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CRL OP(MD). N



22

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

Date : 23/09/2022

PRESENT

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

CRL OP(MD) . No.14472 of 2022

1. Mohamed Ismail,
2. Jeenath Begum,
3. Vahitha Begam,
4. Sithu,
5. Nilofar Parveen,
6. Sameem Parveen,
7. Jafar, ... Petitioners1 to 7/Accused Nos.2, 3 & 5 to 9

Vs

State Rep by
The Inspector of Police,
AWPS Police Station, Manapparail,
Trichy District. Crime No. 18 of 2022.
... Respondent/Complainant

For Petitioners : M/s.Ajmalkhan.S.A.,
Advocate.
For Respondent : Ms.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.18 of 2022 on the file of
the respondent Police.



ORDER : The Court made the following order :-

The petitioners / accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294(b), 323 IPC and Section 4 of Dowry Prohibition Act and Section 4 of Prohibition of Harassment of Women Act, 2022 and Section 4 of Muslim Women (Protection of Rights on Marriage) Act, 2019, in Crime No.18 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners, who are in-laws of the de facto complainant have tortured the defacto complainant both cruelly and mentally and also demanded additional dowry. Hence, the complaint.

3.The learned counsel for the petitioners would submit that A1, who is the husband of the defacto complainant, has already released on bail by the learned Judicial Magistrate, Manapparai and the petitioners herein are only in-laws and they are innocents and they have not committed any offence as alleged by the prosecution.

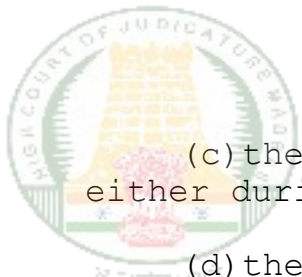
4.The learned Government Advocate (Crl.Side) would submit that the petitioners tortured the defacto complainant by demanding dowry and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused has already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their 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, Manapparai, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 1 and 2 shall appear before the respondent police as and when required for interrogation and the other petitioners shall report before the respondent police daily at 10.30 am until further orders.



(c) the petitioners shall not tamper with 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/09/2022

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/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The Judicial Magistrate, Manaparai.
2. Do Through The Chief Judicial Magistrate, Trichy
3. The Inspector of Police,
AWPS Police Station, Manapparail,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.14472 of 2022
Date : 23/09/2022

TR/GB/SAR-II(28.09.2022) 3P 5C