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CRL OP(MD). N



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

Date : 09/11/2022

PRESENT

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

CRL OP(MD) . No.15015 of 2022
and
Crl.M.P(MD) .No.10740 of 2022

1. Jeyakumar

2. Usharani

... Petitioners/Accused No.3 and 4

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Tenkasi,
Tenkasi District.
(Crime No. 17 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Pon Karthikeyan.R,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

For Intervenor : Mr.K.Jeyamohan

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2021 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehends arrest at the hands
of the respondent police for the offence punishable under Sections
498(A), 406 and 506(i) of IPC and Section 4 of Dowry Prohibition
Act, 1961, in Crime No.17 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners along
with other accused harassed the de-facto complainant by demanding
dowry. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. In order to harass the petitioners, the defacto complainant implicated them in the present FIR. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the marriage between the de-facto complainant and the first accused was solemnized on 06.11.2020 and after marriage, she was subjected to cruelty by the petitioners by demanding additional dowry. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute between the first accused and the defacto complainant and the petitioners are only relatives of the first accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, 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, Tenkasi, 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 Magistrate may obtain a copy of their Aadhar 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 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**



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

sd/-

09/11/2022

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/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TENKASI, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.PON KARTHIKEYAN.R Advocate SR.No.12802

+1. C.C. to M/S.K.JEYAMOHAN, Advocate SR.No.12746

ORDER

IN

CRL OP(MD) No.15015 of 2022

Date :09/11/2022

SS/BUC/SAR I/17.11.2022/ 3P/ 7C