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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2022

PRESENT

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

CRL OP(MD). No.16995 of 2022

Sudalaikumar ... Petitioner/3rd Accused

Vs

The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.
Crime No. 6 of 2022. ... Respondent/Complainant

For Petitioner : M/s.Chellapandian.S,
Advocate.

For Respondent : M/S.M.AASHA,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 6 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused,who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294(b), 323, 406, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 4 of Dowry Prohibition Act, 1961 in Cr.No.6 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have harassed the defacto complainant by demanding additional dowry and also tortured her cruelly and also caused grievous injury. Hence, the complaint.

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3. The learned counsel for the petitioner would submit the petitioner is brother in law of defacto complainant and at the time of occurrence, he was in Mumbai and he is no way connected with the offence and his name has been falsely implicated in this case. He would further submit that the co-accused has already released on bail by the Principal District and Sessions Judge, Srivilliputur in Crl.M.P.No.1340 of 2022

4.The learned Government Advocate(Crl.Side) would submit that it is matrimonial dispute 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 petitioner with certain conditions.

6.Accordingly, 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 learned Judicial Magistrate, Rajapalayam 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 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 am until further orders.

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

(d)the petitioner 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 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;

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

sd/-
22/09/2022

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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, RAJAPALAYAM.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.16995 of 2022
Date :22/09/2022

RD/VR/SAR-1 (28/09/2022) 3P/5C

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