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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

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

CRL OP(MD). No.17467 of 2022

1. Sarathkumar

2. Kalayanasundaram

3. Saroja ... Petitioners/Accused No.1 to 3

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.
(Cr No.25/2022).

... Respondent/Complainant

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

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

PRAYER :-

AB For Anticipatory Bail in Cr No.25/2022 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) and 506(i) of IPC in Crime.No.25 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and A1 are husband and wife and the petitioners have demanded additional dowry from the defacto complainant and also tortured her physically and cruelly. Hence, the complaint.

<https://www.mca.gov.in/judis>



3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and seek anticipatory bail.

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4. The learned Government Advocate (Crl.Side) would submit that totally three accused involved in this case and it is a case of matrimonial dispute and the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute between the parties and that that petitioners 2 and 3 are in-laws of the de facto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

6. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakottai on condition that the petitioners 2 and 3 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 2 and 3 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 2 and 3 shall appear before the respondent Police daily at 10.30 am until further orders.

(c) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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 absconds, a fresh FIR can be registered under Section 229-A IPC.



7. In view of the endorsement made by the learned counsel appearing for the petitioners, this Criminal Petition is dismissed as not pressed as against A1.

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28/10/2022

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/11/2022

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

TRP

TO

1. THE JUDICIAL MAGISTRATE, NILAKOTTAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NILAKOTTAI,
DINDIGUL DISTRICT.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-12073[I] dated 28/10/2022)

ORDER
IN
CRL OP(MD) No.17467 of 2022
Date :28/10/2022

RK/VR/SAR-2 (21/11/2022) 3P/6C