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CRL OP(MD). N



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

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17778 of 2022

1.Rajagengeskumar

2.Muthusamy

3.Eswari

4.Pooranam @ Sathiya

5.Vijayalakshmi

6.Kalaiselvi

... Petitioners/Accused Nos.1 to 6

Vs

State rep.by the
The Inspector of Police,
All Woman Police Station,
Ramanathapuram District.
Crime No.19 of 2022

... Respondents/Complainant

For Petitioners : Mr.R.L.Dhilipan Pandian,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Criminal Side)

For Intervenor : Mr.J.Yogeswaran

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

PRAYER :-

For Anticipatory Bail in Crime No.19 of 2022 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
498(A), 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961,
in Crime No.19 of 2022, seek anticipatory bail.

<https://www.mhcn.org/judicial>



2.The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife. Right from the date of marriage, the first accused/petitioner had demanded dowry from the defacto complainant at the instigation of the other petitioners and abused her in filthy language and also harassed her for the same. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant refused to live with the petitioner's family and asked the first petitioner to arrange separate house for living.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is going on.

5. Considering the facts and circumstances of the case and also considering the fact that it is a family dispute, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this criminal original petition is allowed and the petitioners 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, Additional Mahila Court, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Aadhaar card or bank pass book to ensure their identity.

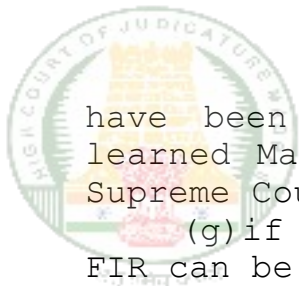
[b]the first petitioner and the defacto complainant shall appear before the Sub Court, Ramanathapuram for mediation. The mediation centre shall appoint the mediator and the Mediator shall conclude the mediation process in six sitting.

(c)The petitioners 2 to 6 shall appear before the respondent police as and when required for interrogation.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners shall not abscond either during investigation or trial.

[f]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. 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]**.

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

sd/-

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

TTA

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.

TO

- 1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, RAMANATHAPURAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAMANATHAURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
 - 5 THE SUBORDINATE JUDGE,
RAMANATHAPURAM.
- +1. CC to M/S.DHILIPAN PANDIAN R L Advocate SR.No.11037

ORDER

IN

CRL OP(MD) No.17778 of 2022

Date :06/10/2022

SS/SVR/11/10/2022/ 3P 7C