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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.17798 of 2022

S.Kanageswari

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Periyakulam,
Theni District.
Crime No.210 of 2022.

... Respondent/Complainant

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

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

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

PRAYER :-For Anticipatory Bail in Crime No.210 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 323, 498(A), 313 of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.210 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the first accused and the defacto complainant are husband and wife. A1 had illegal intimacy with A4, over which, a frequent quarrel arose between the first accused and his wife. Thereafter, they were separated.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has 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 the first accused to arrange separate house for living and



also submitted that the petitioner is the sister of A1, of whom she has not committed any offence as alleged by the prosecution.

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

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5. Considering the facts and circumstances of the case and also the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two common sureties each for a like sum 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 Aadhaar card or bank pass book to ensure their identity.

(b) The petitioner shall appear before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with the 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]**.

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

sd/-

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PERIYAKULAM,
THENI DISTRICT.

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

+1 CC to M/s.S.VIKRAM, Advocate (SR-11134[I] dated 10/10/2022)

ORDER

IN

CRL OP(MD) No.17798 of 2022

Date :06/10/2022

TTA

MK/SVR/SAR.I/11.10.2022/3P/6C