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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2022

PRESENT

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

CRL OP(MD). No.18775 of 2022

Muthukaruppan,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District
(Crime No.30 of 2022).

... Respondent/Complainant

For Petitioner : Mr.A.Murali Kumar, Advocate.

For Respondent : M/s.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

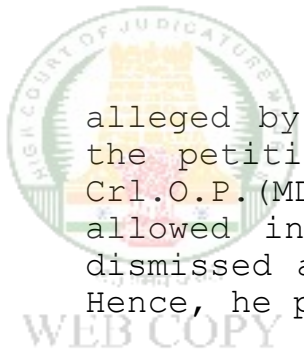
For Anticipatory Bail in Crime No.30 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 406 IPC, in Cr.No.30 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the de-facto complainant was solemnized on 09.09.2021 and after the marriage, the accused persons harassed the de-facto complainant by way of demanding dowry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner/A1 is innocent and he has not committed any offence as



alleged by the prosecution. He would further submit that the petitioner and other accused have moved anticipatory bail in CrI.O.P.(MD)No.16883 of 2022 before this Court and the same was allowed in respect of the petitioners 2 to 4 are concerned and dismissed as against the petitioner/A1 is concerned, on 28.09.2022. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(CrI.Side) strongly opposed this petition stating that the petitioner along with other accused demanded dowry of Rs.10,00,000/- and harassed the de-facto complainant. She would further submit that three witnesses have already been examined and the investigation is not yet completed.

5.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the co-accused have already been granted anticipatory bail by this court and three witnesses have already been examined, 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, Karaikudi, 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 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;



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

sd/-
26/10/2022

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

+1 CC to M/s.A.MURALI KUMAR, Advocate(SR-12000[I] dated 27/10/2022)

ORDER
IN
CRL OP(MD) No.18775 of 2022
Date :26/10/2022

sjj
PKP/SSS/SAR-1/02.11.2022/3P/6C