



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

PRESENT

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

CRL OP(MD). No.19021 of 2022

1. Chitra,

2. Premkumar,

3. Azhagu Murugan,

4. Gandhi,

... Petitioners/Accused Nos.7 to 10

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Theni,
Theni District.
Crime No. 48/2022.

... Respondent/Complainant

For Petitioners : M/s.Arputharaj A, Advocate.

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

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

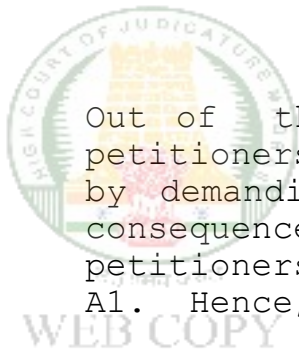
PRAYER :-

For Anticipatory Bail in Crime No. 48 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 offences punishable under Sections 498(A), 294(b), 323, 494 and 506(i) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.48 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the wife of first accused and the marriage between the first accused and the defacto complainant was solemnized on 17.09.2015.



Out of the wedlock, a female child was born and thereafter the petitioners and other accused have tortured the defacto complainant by demanding additional dowry and also threatened her with dire consequences. Further, when the first marriage is in force, the petitioners and other accused have performed the second marriage of A1. Hence, a case has been registered.

3. The learned counsel for the petitioners would submit that the petitioners herein are the relatives of the first accused and they are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. Hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that due to continuous harassment of the accused persons, this complaint was lodged by the defacto complainant and there is a specific allegation levelled against the petitioners. He would further submit that in this case, till now six witnesses were examined and investigation is almost over and the final report will be filed within a month.

5. Considering the facts and circumstances of the case and considering the nature of offence and also the facts that the petitioners are only relatives of the first accused and the investigation is almost over, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

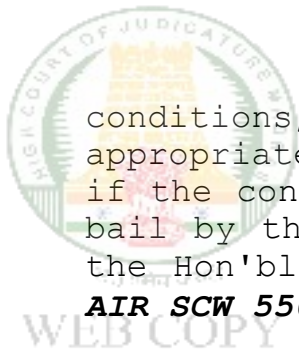
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila (JM) Court, Theni, on condition that the petitioners shall execute a bond for a 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 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 shall appear before the concerned trial Court on each and every hearing without fail;

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

(d) the petitioners shall not abscond either during investigation or trial; (e) on breach of any of the aforesaid conditions, the petitioners shall be liable to be arrested without warrant.



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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

+1 CC to M/s.A.ARUPUTHARAJ, Advocate (SR-12453[I] dated 04/11/2022)

ORDER
IN
CRL OP(MD) No.19021 of 2022
Date :03/11/2022

cp
PKP/SSS/SAR-2/11.11.2022/3P/6C