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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

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

CRL OP (MD) . No.18872 of 2022

1. D.Vivek
2. D.Easwari @ Eswari
3. D.Hariprasath

... Petitioners/Accused
No.1 to 3

Vs

State rep.by
The Inspector of Police,
All Women Police Station-
Nilakottai Police Station,
Dindigul District.
(In Crime No.29/2022).

... Respondent/Complainant

For Petitioners : M/s.Karthick Kumar A, Advocate.

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

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

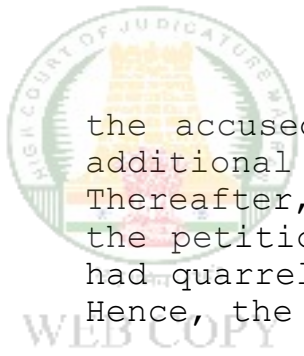
PRAYER :-

For Anticipatory Bail in Crime No.29/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 406 and 506(i) IPC, in Crime No.29 of 2022, seek anticipatory bail.

2.The first petitioner and the defacto complainant are husband and wife. The petitioners 2 and 3 are in-laws of the de-facto complainant. The marriage between the first petitioner and the defacto complainant was solemnized on 17.06.2018. After marriage,



the accused persons harassed the de-facto complainant by demanding additional dowry and driven out her from the matrimonial home. Thereafter, the de-facto complainant along with her parents went to the petitioners' home for compromise, at that time, the petitioners had quarrelled with her parents and abused them in filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute between the parties and the petitioners harassed the de-facto complainant by demanding additional dowry and driven out from her matrimonial home and further the first petitioner is having illegal relationship with several women. He would further submit that three witnesses have been examined and the investigation is going on. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Further, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition as against the first petitioner is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as withdrawn as against the first petitioner is concerned.

6.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute between the parties and the 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.

7.Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, 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 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 report 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
27/10/2022

/ TRUE COPY /

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

SJI

TO

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

+1. CC to M/S.K.DINESH Advocate SR.No.11962

ORDER
IN
CRL OP(MD) No.18872 of 2022
Date : 27/10/2022