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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2022

PRESENT

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

CRL OP(MD). No.19417 of 2022

1. Shiju Mon

2. Vilsa

3. Jiji Mol

4. Paulraj

... Petitioners/
Accused Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.

(*)Crime No.41 of 2022.

... Respondent/Complainant

**(*)Amended as per order of this Court
dated 11.11.2022 in Crl MP(MD)No.13780
of 2022 in CRL OP(MD)No.19417 of 2022.**

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

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

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

PRAYER :-

For Anticipatory Bail **(*)in Crime No. 41 of 2022** on the file
of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Section 498
(A) IPC in Crime No.41 of 2022, seek anticipatory bail.

<https://www.mhc.tn.gov.in/judis>



2.The case of the prosecution that the petitioners have demanded additional sum of Rs.10,00,000/- as dowry and jewels and tortured the defacto complainant both mentally and cruelly. Hence the complaint.

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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 and their names have been falsely implicated in this case and hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is a matrimonial dispute and the petitioners 2 to 4 are in-laws of the defacto complainant and the first petitioner is husband. He would further submit that in this case, investigation is pending and hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute and the petitioners 2 to 4 are the in-laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

6.Accordingly, the petitioners 2 to 4 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 No.I, Kuzhithurai, on condition that the petitioners 2 to 4 shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two common 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 2 to 4 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;

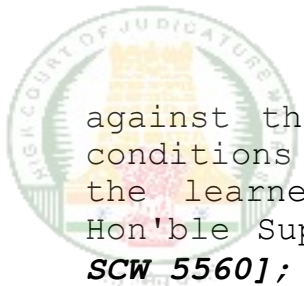
(b)the petitioners 2 to 4 shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 to 4 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

<https://www.mca.gov.in/>



against the petitioners 2 to 4 in accordance with law and 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.

In view of the endorsement made by the learned counsel appearing for the petitioners, this Criminal Original petition is dismissed as not pressed as against the 1st petitioner.

sd/-

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

trp

TO

1.THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARTHANDAM,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-12943[I] dated 14/11/2022)

ORDER

IN

CRL OP(MD) No.19417 of 2022

Date :11/11/2022

RK/BUC/SAR-1 (30/11/2022) 3P/6C