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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

PRESENT

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

CRL OP (MD) . No.20492 of 2022

1. Lilly
2. Kaliyamoorthy
3. Indhirani
4. Vinoth
5. Vijayakumar

... Petitioners/Accused
No.2 to 6

Vs

State rep.by
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
(Crime No.780 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Dasarathan, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.780 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 Sections 498(A) and 143 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.780 of 2022, seek anticipatory bail.



2.The case of the prosecution is that the marriage between the A1 and the defacto complainant was solemnized on 03.09.2001 and after the marriage the A1 along with petitioners have tortured the defacto complainant by demanding additional dowry and also tortured her both mentally and cruelly. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally six accused involved in this case and the petitioners herein are arrayed as A2 to A6. She would further submit it is a case of matrimonial dispute and the petitioners herein are relatives of A1 and six witnesses have been examined. She further contended that the investigation of the case is pending and 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 case of matrimonial dispute and that the petitioners herein are relatives of A1 and that six witnesses have been examined, 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 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 District Munsif Cum Judicial Magistrate, Thiruvidadaimaruthur, 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 report before the respondent police daily at 10.30 a.m., until further orders;

(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 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/-

18/11/2022

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/11/2022

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

TRP

TO

1. THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE,
PANDHANALLUR POLICE STATION,
TANJORE DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.K.SATHISH KUMAR Advocate SR.No.13359

ORDER

IN

CRL OP(MD) No.20492 of 2022

Date :18/11/2022