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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

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

CRL OP(MD) . No.21092 of 2022

1. Raju @ Bharadhan
2. Bakkiyam

... Petitioners/Accused
No.2 & 3

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Manapparai,
Tiruchirappalli District.
(Crime No.22 of 2022).

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No.22 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A-2 & A-3, who apprehend arrest at the hands of respondent police for the offences punishable under Sections 498(A), 494 & 506(i) IPC in Crime No.22 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that in this case, the first accused and the de-facto complainant are the husband and wife and they have one female child. While so, the petitioners, who are the in-laws of the defact complainant harassed her by demanding dowry. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are the in laws of the defacto complainant and they are innocents and they have been falsely implicated in this case. He would further submit that in this case, co-accused have already been granted anticipatory bail. Hence, the learned counsel prays for anticipatory bail to the petitioners.

4.The learned Government Advocate (criminal side) appearing for the respondent police would submit that totally 7 accused in this case and 6 witnesses have been examined. Considering the gravity of the offence, 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 are only in-laws of the defacto complainant and also considering the fact that co-accused have already been granted anticipatory bail, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, Trichy District on condition that the petitioners 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 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 respondent police as and when required.

(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



(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
29/11/2022

/12/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

ORDER
IN
CRL OP(MD) No.21092 of 2022
Date :29/11/2022