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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.12.2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21780 of 2022

1.J.Samuel Rathnasingh

2.J.Jaculine Kennady

... Petitioners/Accused No.1 & 2

Vs

State represented by
The Sub-Inspector of Police,
All Women Police,
Alangulam Police Station,
Tenkasi District.
(Crime No.38 of 2022)

... Respondent/Complainant

For Petitioners : Mr.Thanjai P.N Chezhan, Advocate.

For Respondent : Mr.A.Albert James
Government Advocate (Crl. Side).

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

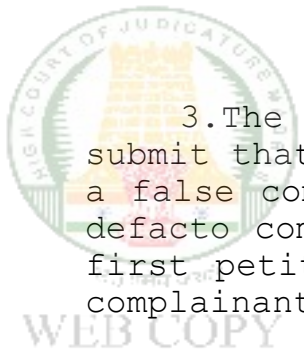
PRAYER :-

For Anticipatory Bail in Crime No.38 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 and A.2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b) and 506(1) IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime No.38 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant S.Anusya Porselvi is that the marriage between her and the first petitioner was solemnized on 06.02.2019 and at the time of marriage, Rs.3 lakhs cash and 30 sovereigns of gold jewels were given as dowry. The further allegation is that the accused had demanded additional dowry and abused her and driven her out of the matrimonial home. Hence, the case.



3.The learned counsel appearing for the petitioners would submit that the case of matrimonial dispute has been exaggerated and a false complaint has been given. He would further submit that the defacto complainant left the matrimonial home on 16.02.2022 and the first petitioner had taken steps for reunion, whereas, the defacto complainant given a false complaint.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first petitioner and the defacto complainant got married on 06.02.2019 and after marriage, the accused had demanded additional dowry from the defacto complainant and abused her and driven her out of the matrimonial home.

5.Heard. Perused the materials available on record.

6.Taking into consideration the facts and the submissions made by both the counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 on which the order copy made ready, before the learned Judicial Magistrate, Alangulam, on condition that the petitioners shall execute 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 condition 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]**.



[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-
12/12/2022

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/12/2022

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

TO

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

ORDER
IN
CRL OP(MD) No.21780 of 2022
Date :12/12/2022

CSM
RS/SSS/SAR.1(21.12.2022) 3P-5C