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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/12/2022

PRESENT

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

CRL OP(MD) . No.22040 of 2022

1. Esakki
2. Bhagavathi

... Petitioners/Accused
No.1 and 2

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Tenkasi,
Tenkasi District.
(Crime No.17 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Pon Karthikeyan R, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 and 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.17 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused harassed the de-facto complainant by demanding additional dowry. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case. In order to harass the petitioners, the defacto complainant implicated them in the present FIR. He would further submit that the co-accused have already been granted anticipatory bail by this Court in CrI.O.P(MD).No.15015 of 2022, dated 11.09.2022 and thereby, he prays for anticipatory bail.

4.The learned Government Advocate (CrI. side) would submit that the marriage between the de-facto complainant and the first accused was solemnized on 06.11.2020 and after marriage, she was subjected to cruelty by the petitioners by demanding additional dowry. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the case and that the 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 on which the order copy made ready, before the **learned Judicial Magistrate, Tenkasi**, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 everyday 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 FIR can be registered under Section 229A IPC.

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Sd/-
14/12/2022

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

trp

TO

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

+1. CC to M/S.PON KARTHIKEYAN R Advocate SR.No.14850

ORDER
IN
CRL OP(MD) No.22040 of 2022
Date :14/12/2022

SP/SSS/SAR II/23/12/2022/3P/6C