



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

Date : 07.03.2023

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.929 of 2023

1.Sivakumar
2.Esakkiammal
3.M.Esakkimuthu
4.Sankara Nainar @ Sanakri ... Petitioners / Accused Nos.1 to 4

Vs.

State:The Inspector of Police,
All Women Police Station,
Tuticorin,
Tuticorin District.
(Cr.No.39 of 2022)

...Respondent / Complainant

For Petitioners: Mr.KA.Raamakrishnan, Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.39 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A) and 406 of IPC., on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband of the defacto complainant. After marriage, the first petitioner along with other petitioners have demanded dowry and also harassed the defacto complainant. Hence, the case has been registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been implicated in this case.



4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, 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 their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tuticorin, Tuticorin District, 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 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 first petitioner shall report before the respondent police daily at 10.00 a.m. without fail, for a period of two weeks and thereafter as and when required for interrogation and the petitioners 2 to 4 shall report before the respondent police as and when required for interrogation;

(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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/03/2023

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



To

1.The Judicial Magistrate No.IV,
Tuticorin, Tuticorin District.

2.Do through the Chief Judicial Magistrate,
Tuticorin District.

3.The Inspector of Police,
All Women Police Station,
Tuticorin,
Tuticorin District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.KA.RAMAKRISHNAN, Advocate (SR-3605[I] dated 08/03/2023)

ORDER

IN

CRL OP(MD) No.929 of 2023

Date :07/03/2023

ED/MMS/SAR-3 (16/03/2023) 3P 6C