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CRL OP(MD)



23

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

Date : 19/01/2023

PRESENT

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

CRL OP(MD) . No.928 of 2023

1. Arockiyaraj

2. Andrewsmary

3. Ulruzmary

4. Albert

... Petitioners/Accused No.2 to 5

Vs

The State represented by
The Inspector of Police,
All Women Police Station, Vadamadurai,
Dindigul District
(Crime No.13 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Vinayagan.K,

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.13 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(i) I.P.C and Sections 3(1)(4) of Dowry Prohibition Act, in Crime No.13 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner married the defacto complainant on 29.04.2021 and after marriage, the accused persons demanded dowry and harassed her. Hence, the



3. The learned counsel for the petitioners submitted that this is the second petition for anticipatory bail. The earlier petition was dismissed by this Court on 11.10.2022. In this case, after completion of investigation, now the final report has been filed before the Additional Mahila Court, Dindigul. Hence, prays to release them on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the accused persons had harassed the defacto complainant. Considering the gravity of the offence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. This is the second petition for anticipatory bail and it is now reported that the investigation has been completed and the final report has been filed before the concerned Court, this Court is of the opinion that custodial interrogation may not be required at this stage. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Additional Mahila Court, Dindigul**, 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 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 learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the Additional Mahila Court, Dindigul on all working days at 10:30 a.m., for a period of two weeks, thereafter, on the dates fixed by the learned Magistrate;

(c) the petitioners shall not tamper with the 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 [(2021) 13 SCC 556]**; and;

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

sd/-

19/01/2023

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/02/2023

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

TO

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

+1. CC to M/S.VINAYAGAN.K Advocate SR.No.873

ORDER

IN

CRL OP(MD) No.928 of 2023

Date :19/01/2023

SS/BUC/SAR IV/30/01/2023/ 3P 6C