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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2023

PRESENT

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

CRL OP(MD) . No.1842 of 2023

Dhivyaprakash

... Petitioner/1st Accused

Vs

1.State Rep.by

The Sub-Inspector of Police,

All Women Police Station,

Thanjavur.

Crime No.24 of 2022.

... 1st Respondent/Complainant

2.Suganya

... 2nd Respondent/Defacto Complainant

For Petitioner : Mr.A.Sivasubramanian, Advocate

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For R2 : Mr.T.A.Ebenazar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498A and 506(1) of IPC in Crime No.24 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the de-facto complainant. The marriage between her and the petitioner was solemnized on 06.12.2019. After marriage, the petitioner along with other accused harassed the de-facto complainant by demanding additional dowry, attacked her and also driven her out of the matrimonial home. Hence, the case.



3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

4. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Additional Mahila Judge, Thanjavur, on condition that the petitioner 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 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 petitioner 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 petitioner shall return the car, which was registered in the name of the de-facto complainant's father-in-law and the produce the receipt/acknowledgement before the learned Magistrate on or before 20.03.2023, failing which, the anticipatory bail already granted, shall stand dismissed automatically.

[c] the petitioner shall report before the respondent Police, daily at 10.30 A.M., for a period of two weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



6.It is made clear that if the petitioner violates the order of this Court, the respondent police is at liberty to secure the petitioner and proceed in accordance with law.

sd/-

06/03/2023

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/03/2023

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

SJI

TO

1 THE ADDITIONAL MAHILA JUDGE, THANJAVUR.

2 THE SUB INSPECTER OF POLICE, ALL WOMEN POLICE STATION, THANJAVUR,

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-3481[I] dated 06/03/2023)

+1 CC to M/s.A.SIVASUBRAMANIAN, Advocate (SR-3412[I] dated 06/03/2023)

ORDER

IN

CRL OP(MD) No.1842 of 2023

Date :06/03/2023

RS//SAR-4(15.03.2023) 3P 6C