



WEB COPY

CRL.O.P(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.2358 of 2023

1.Vijaya

2.Lakshmi @ Varalakshmi

3.Ravichandran

4.Sridhar

...Petitioners

-vs-

The State represented by
The Inspector of Police,
All Women Police Station,
Lalgudi, Trichy District.
(Cr.No.21 of 2022)

...Respondent

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

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.21 of 2022 on the file of the respondent Police.

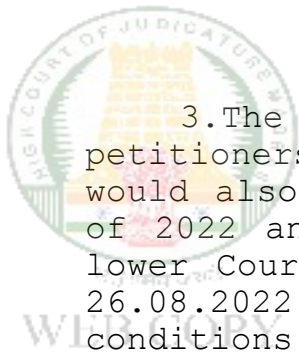
For Petitioners : Mr.S.T.Sasidharan Tamilkani, Advocate

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

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323 and 498(A) of IPC r/w Section 4 of TNPHW Act and Section 4 of Dowry Prohibition Act, 1961, in Crime No.21 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to a family dispute, the accused persons have abused the de-facto complainant and also harassed her by demanding more dowry. Hence, the complaint.



3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the petitioners are the accused in Cr.No.21 of 2022 and earlier, they have moved anticipatory bail before the lower Court in Cr.M.P.No.2792 of 2022 and the same was ordered on 26.08.2022. Since, the the petitioners did not comply with conditions imposed, they filed a petition for extension of time. However, the same was dismissed. He would further submit that non compliance of the condition imposed by the lower Court neither wilful nor wanton and hence, he pray for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the petitioners are the accused in Cr.No.21 of 2022 and earlier, they have moved anticipatory bail before the lower Court in Cr.M.P.No.2792 of 2022 and the same was ordered on 26.08.2022. Since they did not comply with the condition, the petitioners have filed a petition for extension of time and the same came to be dismissed. He would oppose for grant of anticipatory bail to the petitioner.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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, Lalgudi, Tiruchirappalli District, 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., for a period of two weeks, thereafter every Saturday at 10.30 am 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 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.

sd/-
06/02/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR
TO

1 THE JUDICIAL MAGISTRATE,
LALGUDI, TIRUCHIRAPPALLI DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
LALGUDI, TRICHY DISTRICT

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

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-1863[I] dated 06/02/2023)

ORDER
IN
CRL OP(MD) No.2358 of 2023
Date :06/02/2023

PKP/VR/SAR-2/14.02.2023/3P/6C