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CRL OP(MD).



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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.2962 of 2022

1.A.Sridhar
2.Pasungkili
3.Armugaperumal
4.Valarmathi
5.Annamalai

... Petitioner/Accused 1 to 5

Vs.

1.State through
The Inspector of Police,
All Women Police Station,
Dindigul.
(Cr.No.4 of 2022)

... 1st Respondent/Complainant

2.B.Archanaa

... 2nd Respondent/De-facto Complainant

For Petitioners : Mr.R.Arjunarajan, Advocate.
For R1 : 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.4 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 498(A), 406, 420, 506(i) of IPC., and Section 4 of Dowry Prohibition Act, 1961 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 petitioners have demanded dowry and also harassed the defacto complainant. Hence, the complaint.



3.The learned counsel appearing for the petitioners stated that the petitioners are no way connected with the said occurrence.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the Accused Nos.1 and 5 had already been surrendered before the Court concerned.

5.Considering the above facts and circumstances of the case and also considering the fact that the Accused Nos.1 and 5 had already been arrested and released on bail, this Criminal Original Petition is become infructuous and it is dismissed in respect of A1 and A5.

6.In so far as the petitioners Nos.2 to 4 are concerned, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners Nos.2 to 4 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 Additional Judge, Mahila Court, Dindigul 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 Nos.2 to 4 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 Nos.2 to 4 shall report before the respondent police daily as and when required for interrogation and other petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners Nos.2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners Nos.2 to 4 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 Nos.2 to 4 in accordance with law as if the conditions have been imposed and the petitioners Nos.2 to 4 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;



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(f)if the accused/ petitioners Nos.2 to 4 thereafter al
fresh FIR can be registered under Section 229-A IPC.

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

vsd

TO

1 THE ADDITIONAL JUDGE,
MAHILA COURT, DINDIGUL DISTRICT.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, DINDIGUL.

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

ORDER

IN

CRL OP(MD) No.2962 of 2022

Date :07/03/2023

RS/MMS/SAR-3(29.03.2023) 3P 4C