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CRL OP(MD).



23

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

Date : 23/02/2023

PRESENT

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

CRL OP(MD) . No.3499 of 2023

1. Babu @ Kanagaraj

2. Roja @ Mary Immaculate ... Petitioners/4 & 5 Accused

Vs

State Rep. by,
Sub Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai City.
Crime No.6 of 2023.

... Respondent/Complainant

For Petitioners : A.Sivasubramanian

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

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

PRAYER :-

For Anticipatory Bail in Crime No.06 of 2023 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 498(A), 406, 506(i) of I.P.C, in Crime No.6 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Leena Anjelin is that she got married to the first accused on 19.06.2013 and a male child was born to them on 29.09.2014. The accused persons took 16 ½ sovereigns of gold jewels and cash of Rs.2,50,000/- from the defacto complainant and also harassed her, by demanding further dowry. Later, she was driven out of the matrimonial home. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them. The petitioners are the uncle and aunt of the first accused and they are living elsewhere. There is no other allegation against the petitioners. A case matrimonial dispute has been exaggerated and a false complaint has been given. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that in this case, the accused persons took the gold jewels and cash from her and harassed her, by demanding further dowry. Hence, prays to dismiss the petition.

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

6.Taking into consideration the facts and circumstances of the case and considering the nature of dispute between the parties, 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 No.V, Madurai**, 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 respondent Police daily at 10:30 a.m., until further orders;

(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 [(2005) AIR SCW 5560]**; and;



(f) if the accused/ petitioners thereafter absconds, a 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.

PNM

TO

1. The Judicial Magistrate No.V, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Sub Inspector of Police,
All Women Police Station, Thilagar
Thidal, Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A,SIVASUBRAMANIAN, Advocate (SR-2757[I] dated
23/02/2023)

ORDER
IN

CRL OP(MD) No.3499 of 2023
Date : 23/02/2023

NA/SAR-I/08.03.2023/3P/6C