



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

Date : 13/03/2023

PRESENT

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

CRL OP(MD) . No.3963 of 2023

1. Srikala

2. Geethakumari

... Petitioners / Accused No.8 & 9

Vs

1. The State rep by
The Inspector of Police,
All Women Police Station,
Bodi,Theni District.
(Crime No.4 of 2023).

... 1st Respondent / Complainant

2. Sivasankari ... 2nd Respondent
(R2 is Suo-Motu impleaded as per order of this Court dated
01.03.2023 in CRL OP(MD) No.3963 of 2023)

For Petitioners : M/s.K.Prakash, Advocate.

For Intervenor :M/s. Juliet Latha, Advocate

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

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

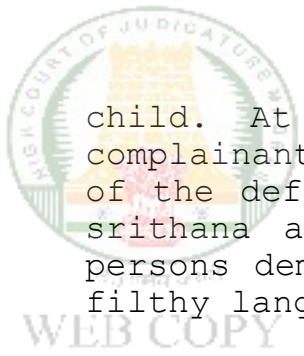
PRAYER :-

For Anticipatory Bail in Crime No.4 of 2023 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners/A8 and A9 who apprehend arrest at the hands of
the respondent police for the offences punishable under sections 498
(A),294(b),323,324 and 506(ii) of I.P.C., in Crime No.4 of 2023 on
the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the
first accused and the defacto complainant was solemnized on
20.06.2015 and out of the wedlock they were blessed with a male
<https://www.hc.madras.org/>



child. At the time of marriage the husband of the complainant /A1 was working as police in Thiruppuvanam. The parents of the defacto complainant had given 20 sovereigns of gold jewels, srithana articted worth about Rs.8 lakhs. Thereafter the accused persons demanded more dowry and harassed her and also abused her in filthy language and also attacked her, hence the case.

3. The learned counsel for the intervenor vehemently objected to grant anticipatory to the petitioners.

4. Heard both sides and perused the materials available on record including the First Information Report.

5. Taking into consideration of the facts that it is a case of matrimonial dispute between the parties, 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, Bodi, Theni 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 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 as and when required for interrogation.

[c] the petitioners shall not tamper with 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].



CRL OP(MD).



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[f] If the accused thereafter absconds, a fresh FI registered under Section 229A IPC.

sd/-
13/03/2023

/ TRUE COPY /

WEB COPY

/03/2023

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

AAV

To

1.The Judicial Magistrate,
Bodi, Theni District.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
All Women Police Station,
Bodi, Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.K.PRAKASH Advocate SR.No.4145(I), dated 14/03/2023

ORDER
IN
CRL OP(MD) No.3963 of 2023
Date :13/03/2023

ED/MMS/SAR-3 (16/03/2023) 3P 6C