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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

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

CRL.O.P(MD)No.4194 of 2023

1.Geetha

2.Santhi ...Petitioners/Accused Nos.2 & 3

-vs-

State represented by
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District
(In Cr.No.3 of 2023) ...Respondent/Complainant

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of 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. 03 of 2023 on the file of the respondent Police.

For Petitioners : Mr.C.S.Saravanan,Advocate

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

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O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498 (A), 294(b), 323, 406, 506(ii) IPC r/w Section 4 of Dowry Prohibition Act, 1961 in Crime No.3 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that after her marriage that took place on 20.02.2011, her husband at the instigation of the petitioners harassed her demanding 20 sovereigns of jewels and Rs. 5 lakhs cash as dowry and her husband had driven out her from the matrimonial home. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons. He would also submit that the

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petitioners are the sister-in-laws of the defacto complainant and the main allegations are attributed only against the first accused/husband and the petitioners are married and they are living elsewhere with their respective husbands and they have been falsely implicated in this case. Hence, he pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the first accused, who married the defacto complainant on 20.02.2011, and his sisters had harassed her by demanding 20 sovereigns of jewels and Rs.5 lakhs and Rs.10 lakhs cash as dowry and he would oppose to grant anticipatory bail.

5.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, 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 Additional Mahila Court, Magistrate Level, Srivilliputhur, 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 one week and thereafter 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].**

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

sd/-
03/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, SRIVILLIPUTHUR.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.SARAVANAN C S Advocate SR.No.3350(I)

ORDER
IN
CRL OP(MD) No.4194 of 2023
Date :03/03/2023

PKP/VRS/SAR-3/(10.03.2023)/ 3P/ 6C

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