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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2023

PRESENT

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

CRL OP(MD) . No.4288 of 2023

Ashok Kumar

... Petitioner/Accused(A1)

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.
Cr. No.3/2023.

... Respondent/Complainant

For Petitioner : M.Jothi Rama Lingam, Advocate.

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

For Intervenor : Mr.K.Sankarapandian, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 323, 406 and 506(ii) of I.P.C. r/w Section 4 of Dowry Prohibition Act, in Crime No.3 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the de-facto complainant. The marriage between her and the petitioner was solemnized on 20.02.2011 at Rajapalayam and at the time of marriage, 25 sovereigns of gold jewels and Rs.1,00,000/- cash were given as dowry. Out of the wedlock, they got two children. After the marriage, the petitioner used to drink everyday and beat the de-facto complainant. The further allegation is that the petitioner had harassed the de-facto complainant by demanding more dowry. Therefore, the de-facto complainant left the matrimonial home along with her children. Subsequently, the petitioner took the



children in the custody of the de-facto complainant. He is the case.

3. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondent and the learned counsel appearing for the intervenor.

4. It is seen from the FIR shows that it is a case of demand of more dowry. Except demanding huge dowry, there is no other allegation as against the petitioner.

5. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Additional Mahila Court, Rajapalayam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 FII registered under Section 229A IPC.

sd/-

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

SJI

TO

1 THE JUDGE,
ADDITIONAL MAHILA COURT, RAJAPALAYAM.

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

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

+1 CC to M/s.M.JOTHI RAMA LINGAM, Advocate (SR-3553[I] dated
07/03/2023)

ORDER

IN

CRL OP(MD) No.4288 of 2023

Date :06/03/2023

RS//SAR-3(14.03.2023) 3P 5C