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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.5619 of 2022

1.Alexpandian

2.Pakkiyam

3.Thirunavukarasu

... Petitioners/Accused Nos.1 to 3

Vs.

1.The State represented by
The Inspector of Police,
All Women Police Station,
Virudhunagar.
(Cr.No.4 of 2022)

2.A.Pandiselvi

... Respondents /Complainants

(R2 is suo-motu impleaded as per order, dated 28.03.2022 in Cr1.O.P
(MD)No.5619 of 2022 by KMSJ)

For Petitioners : Mr.T.Lenin Kumar
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 A3, apprehending
arrest at the hands of the respondent police for the offences
punishable under sections 498(A) of IPC., on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
was working as a Lab Technician. She fell in love with the first
petitioner. The first petitioner was studying in Madurai Medical



College. On 30.08.2020, the defacto complainant got married with the first petitioner in Chellayee Amman Temple, Kulloorsanthai Village. The first petitioner is working in a Company at Bangalore. After the marriage, the defacto complainant was with her parents. Thereafter, the complainant and the first petitioner started their matrimonial life at Bangalore. To celebrate Pongal festival, the defacto complainant and the first petitioner came to the complainant's native village. At that time, the second and third petitioners came there and told that the first petitioner had already married one Manohari and they have a child also. Hence, the complainant consumed poison and later admitted in Government Hospital. The de-facto complainant's certificates, jewels and a sum of Rs.40,000/- is with the first petitioner. Hence, the case has been registered.

3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners 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 Judicial Magistrate No.II, Virudhunagar, 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 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



(f)if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VIRUDHUNAGAR
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.LENIN KUMAR T Advocate SR.No.3617

ORDER

IN

CRL OP(MD) No.5619 of 2022

Date :07/03/2023

SS/CG/SAR II/23/03/2023/3P/6C