



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

Date : 09/03/2023

PRESENT

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

CRL OP(MD) . No.4457 of 2023

1. Jeyaraj

2. Jeevetha@jeevetha Christy ... Petitioners / Accused No.3&4

Vs

State represented by
The Inspector of Police,
All Women Police Station
Thoothukudi,
Thoothukudi District.
(Crime No.31/2022.)

... Respondent / Complainant

For Petitioners : Mr.T.Antony Arulraj, Advocate.

For Intervenor :M/s.S.Muthumalai Raja
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. 31/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 498 (A), 494, 406 and 294(b) of I.P.C., in Crime No.31 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.01.2021 the first accused along with other accused committed cruelty on the defacto complainant by demanding more dowry and this petitioner had received a sum of Rs.35,00,000/- and misappropriated the same and when the complainant asked the money and jewels all the accused



abused her in filthy language. Further the first accuse in suppressing the earlier marriage had married the defacto complainant, hence the case.

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

4. 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:

5. 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 No.IV, Thoothukudi 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 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 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].

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

sd/-

09/03/2023

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

AAV

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To

1.The Judicial Magistrate No.IV,
Thoothukudi.

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

3.The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.

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

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-3777[I] dated
09/03/2023)

ORDER

IN

CRL OP(MD) No.4457 of 2023

Date :09/03/2023

ED/BUC/SAR-3 (17/03/2023) 3P 6C