



No.1/



or.

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

Date : 29/03/2023

PRESENT

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

CRL OP(MD). Nos.5868 and 5874 of 2023

1. Selvi @ Mariselvam

2. Kanagavel

... Petitioners / Accused No.2 & 3
in Crl.O.P.(MD)No.5868 of 2023

3.Thangasundar,
S/o. Kangavel,
No.8, Karaikalan Street,
Karungapalayam,
Erode District.

... Petitioner / Accused No.1
in Crl.O.P.(MD)No.5874 of 2023

Vs

State rep by
The Inspector of Police,
All Woman Police Station,
Palayamkottai,
Tirunelveli City.
In Crime No.05 of 2023.)

... Respondent/Complainant
in both petitions

In both petitions:-

For Petitioner (in Crl.O.P.(MD)No.5868 of 2023
: M/s.Gokul Raj.S., Advocate.

For Petitioner (in Crl.O.P.(MD)No.5874 of 2023
: M/s.S.Prabha, Advocate.

For Respondent (in both petitions)
: Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.05 of 2023 on the file of the
Respondent Police.

<https://www.mhc.tn.gov.in/judis>



COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 406 and 506(i) of I.P.C., in Crime No.5 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 24.10.2021, the parents of the defacto complainant had given 42 sovereigns of gold jewels and house hold articles worth of Rs.50,000/- as dowry. Thereafter, the first accused and his family members demanded more dowry and harassed her. Hence the case.

3.Heard. 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:

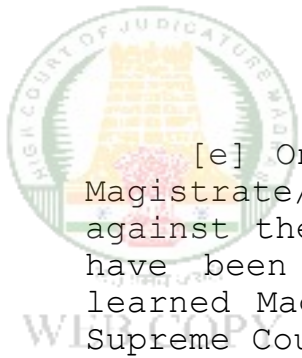
5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.V, Tirunelveli, on condition that the petitioners shall execute 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 petitioner/A1 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; and the petitioners/A2 and A3 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.



No.1/



or.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/03/2023

/ TRUE COPY /

/04/2023

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

SJI

To

1.The Judicial Magistrate No.V,
Tirunelveli.

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

3.The Inspector of Plice,
All Women Police Station,
Palayamkottai,
Tirunelveli City.

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

+1 CC to M/s.S.GOKUL RAJ, Advocate (SR-5104[I] dated 29/03/2023)

+1 CC to M/s.S.PRABHA, Advocate (SR-5105[I] dated 29/03/2023)

ORDER
IN
CRL OP(MD) . Nos.5868 and
5874 of 2023
Date :29/03/2023

ED/CG/SAR-4 (18/04/2023) 3P 7C