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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/04/2023

PRESENT

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

CRL OP(MD) . No.6414 of 2023

Anbalagan ... Petitioner/Petitioner/1st Accused

Vs

The State through
the Inspector of Police,
All Women Police Station,
Usilampatti.
Madurai District.
(In Crime No.7 of 2018)

...Respondent/Respondent/
Complainant

For Petitioners : Mr.N.Rajasekar, 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.7 of 2018 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), 406, 294(b) and 506(1) of IPC and Section 4 of TNPWH Act 2002, in Crime No.7 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of the petitioner. The marriage between the petitioner and the defacto complainant was solemnized on 26.09.2004. The other accused are in-laws of the defacto complainant. In the year 2006, the petitioner has bought gold jewels from the defacto complainant for medical expenses of mother-in-law, later when she asked the



petitioner to return the said jewels, the petitioner also with other accused harassed her by abusive word and assaulted her with wooden stick and also threatened her. Further, the petitioner has been maintaining illegal relationship with another lady. Hence, the case.

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

4. Taking into consideration of the facts and circumstances of the case, the custodial interrogation of the petitioner does not require. Therefore, this Court is inclined to grant anticipatory bail to petitioner, with certain conditions:

5. 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 Judicial Magistrate No.I, Usilampatti, 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 am., 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 FIR can be registered under Section 229A IPC.

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

rmk

TO

1.THE JUDICIAL MAGISTRATE NO.I, USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI.
MADURAI DISTRICT.

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

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-5536[I] dated
06/04/2023)

ORDER
IN
CRL OP(MD) No.6414 of 2023
Date :06/04/2023

RK/MMS/SAR-1 (18/04/2023) 3P/6C