



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/04/2023

PRESENT

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

CRL OP(MD) . No.7499 of 2023

1.Stella

2.Antony Enra Anbu @ Maria Veda Antony

... Petitioners/Accused No.2 & 5

Vs

State Rep.by

The Inspector of Police,

All Women Police Station,

Srivilliputhur, Virudhunagar District.

(Crime No.4 of 2022)

... Respondent/Complainant

For Petitioners : Mr.A.Arputharaj, 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.4 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A2 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 498 (A) and 506(i) of IPC, Section 4 of TNPWH Act and Section 4 of Dowry Prohibition Act, 1961, in Crime No.4 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the defacto complainant and the first petitioner's son was solemnized on 31.08.2017. At the time of marriage, the parents of the defacto complainant gave 72 sovereigns of gold jewels as dowry and after 8 months, the defacto complainant went to her parental home for delivery, but the baby was born and died. Thereafter, the petitioners and in-laws used filthy languages, threatened, harassed and also demanded more dowry from the defacto complainant. Hence, the present case.



3. The learned counsel for the petitioners submitted the petitioners are innocent persons and they have been falsely implicated in this case.

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

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

6. 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 Additional Mahila Judicial Magistrate Court, Srivilliputhur, Virudhunagar District, 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 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/-

21/04/2023

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/05/2023

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

rmk

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



To

1 THE ADDITIONAL MAHILA JUDICIAL MAGISTRATE,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.A.ARPUTHARAJ, Advocate (SR-6297[I] dated 21/04/2023)

ORDER

IN

CRL OP(MD) No.7499 of 2023

Date :21/04/2023

RS/CG/SAR-1(03.05.2023) 3P 6C