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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/04/2023

PRESENT

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

CRL OP(MD). No.7772 of 2023

1. Sameer
2. Noorunnisa
3. Syed Musthafa ... Petitioners/Accused No.1 to 3

Vs

The Inspector of Police,
All Women Police Station, Contonment,
Trichy City.
Cr.No.2/2023.

... Respondent/Complainant

For Petitioners : M/s.Mohideen Basha.N,
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. 2/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused who apprehend arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406, 506(i), 447, 341, 294(b) of I.P.C., in Crime No.2 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 petitioner and the defacto complainant was solemnized on 23.06.2021 and the parents of the defacto complainant had given 70 sovereigns of gold jewels, Rs.2,00,000/- as dowry. After marriage she underwent cruelty at the hands of the A1 to A3 and on 29.06.2022 she delivered a female child but the accused persons did

<https://www.hc.madras.gov.in/>



not come to see the child. Thereafter on 20.06.2022 the complainant along with the minor child went to the matrimonial home since no one was there she started living there alone and on 13.01.2023 the defacto complainant went to Tirunelveli to attend a funeral function and when returned back she found the grill was locked which was put up in the house, 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, Additional Mahila Court (Magistrate Level) Trichy 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 first petitioner alone 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 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].



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

sd/-
26/04/2023

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/04/2023

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

AAV

TO

1. THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT (MAGISTRATE LEVEL) TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, CONTONMENT,
TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s. MOHIDEEN BASHA.N, Advocate (SR-6710[I] dated
27/04/2023)

ORDER
IN
CRL OP(MD) No.7772 of 2023
Date : 26/04/2023

RK/CG/SAR-2 (28/04/2023) 3P/6C