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

Date : 25.04.2023

PRESENT

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

CRL OP (MD) . No.7742 of 2023

1.K.Manoj
2.R.Kasi
3.K.Manimala
4.J.Subbulakshmi

... Petitioners/A1 to A4

Vs

The Inspector of Police,
All Women Police Station,
Usilampatti, Madurai District.
(Crime No.7 of 2023)

... Respondent/Complainant

For Petitioner : Mr.B.Santhanam Rajesh Kumar
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor
For Intervenor : Mr.Henry Dephange

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

PRAYER :-

For Anticipatory Bail in Crime No.7/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 and 506(i) of IPC, in Crime No.7 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 23.05.2021, a marriage was solemnized between the defacto complainant and the first petitioner. At that time of marriage, 48 sovereigns of gold jewels and household articles worth about Rs.3 Lakhs was given as dowry. Thereafter, in order to repay the loan incurred by the petitioners, they demanded more dowry from the defacto complainant and also harassed her. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that 48 sovereigns of jewels was presented to the victim girl and it is now in the possession of the petitioners. Due to



misunderstanding, the defacto complainant was sent back to matrimonial home.

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

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5. Taking into consideration of the facts and circumstances of the case and also the fact that it is the civil dispute between the parties, 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 learned Judicial Magistrate No.I, Usilampatti, 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 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. The petitioners 2 to 4 shall report before the respondent police as and when required for interrogation. While the first petitioner reporting before the respondent police, the respondent police is directed to enquire about the possession of jewels as alleged by the defacto complainant and if the petitioners possessed the jewels, then the respondent police shall take appropriate steps to return the same to the defacto complainant.

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

sd/-
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/05/2023

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

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TO

- 1 THE JUDICIAL MAGISTRATE NO.I
USILAMPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
USILAMBATTI,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.SANTHANAM RAJESH KUMAR, Advocate (SR-6687[I] dated 27/04/2023)

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-6490[I] dated 25/04/2023)

ORDER
IN
CRL OP(MD) No.7742 of 2023
Date :25/04/2023

SS/VR/SAR IV/04/05/2023/3P/7C