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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/06/2023

PRESENT

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

CRL OP(MD) . No.8897 of 2023

1. M.Pandiyarani,
2. A.Munisamy,
3. R.Vanitha,
4. R.Radhakrishnan, ... Petitioners/Accused Nos. 2 to 5

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Andipatti,
Theni District
(Crime No.10 of 2023).

... Respondent/Complainant

Sarikabharthi

...Intervener/Defacto Complainant
in Cr1 MP(MD)No.8036 of 2023

For Petitioner : M/s.Pragalathan.N,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.P.Senguttarasan,Advocate
in Cr1 MP(MD)No.8036 of 2023

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A2 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 420 and 498(A) of I.P.C., in Crime No.10 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, who is working in Indian Army and the defacto complainant was solemnized on 07.02.2020 and they were blessed with the son. After getting the promotion in Indian Army, the petitioners herein demanded more dowry from the de-facto complainant. More over, suppressing the earlier marriage, the first accused got married the de-facto complainant. 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 and the petitioners are in-laws of the de-facto complainant and the entire allegations are demand of huge dowry, 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 Court, Andipatti, Theni 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 1 and 3 shall report before the respondent police as and when required for interrogation; and the petitioners 2 and 4 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;

[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 imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the 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.

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ANDIPATTI, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-8314[I] dated 08/06/2023)

ORDER
IN
CRL OP(MD) No.8897 of 2023
Date :08/06/2023

PKP/BUC/SAR- /15.06.2023/ **3P/6C**