



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.03.2023

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PRESENT

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

CRL OP(MD).No.12314 of 2022

1.Prabhakar
2.Durairaj
3.Rajeshwari

... Petitioners/Accused Nos.1 to 3

Vs.

State of Tamil Nadu represented by,
The Inspector of Police,
All Women Police Station,
Natham,
Dindigul District.
Crime No.10 of 2022.

...Respondent/Complainant

2.G.Priya

...Respondent No.2

(R2 is suo-motu impleaded as per
order, dated 08.07.2022 in Crl.O.P
(MD)No.12314 of 2022 by GIJ)

For Petitioners : Mr.J.Senthil Kumaraiah
Advocate.

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R2 : Mr.M.S.Jeyakarthick, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehending
arrest at the hands of the respondent police for the offences
punishable under sections 498(A) of IPC., and Section 4 of Dowry
Prohibition Act, 1961, on the file of the respondent police, seek
anticipatory bail.

<https://www.mca.gov.in/>



2.The case of the prosecution is that the first petitioner is the husband of the defacto complainant. Due to matrimonial dispute between the defacto complainant and the first petitioner, the petitioners have demanded dowry and also harassed the defacto complainant. Hence, the complaint.

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

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, 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 their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Additional Mahila Court Magistrate Level, Dindigul, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 10.00 a.m. without fail, for a period of two weeks and thereafter as and when required for interrogation and the second and third 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) 5560]; and;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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/03/2023

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

vsd

TO

1.The Additional Mahila Court Magistrate Level, Dindigul.

2.The Inspector of Police,
All Women Police Station,
Natham,
Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate SR-3628[I]

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate SR-3839[I]

ORDER

IN

CRL OP(MD).No.12314 of 2022

Date : 07.03.2023

NA/BUC/SAR-4/16.03.2023/3P/6C