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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2023

PRESENT

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

CRL OP(MD). No.10222 of 2023

Malaiyarasan,

... Petitioner/Accused No.1

Vs

Inspector of Police,
All Women Police Station,
Melur,
Madurai District.

... Respondent/Complainant

For Petitioner : R.Aravindraj,
Advocate.

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

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

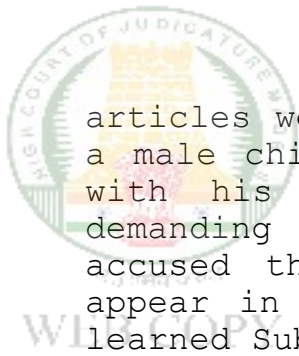
PRAYER :-

For Anticipatory Bail in Crime No.4 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 323 and 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.4 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the de-facto complainant was solemnized on 30.08.2020 and at the time of marriage, 10 sovereigns of gold jewels and other



articles were given as dowry. Out of the wedlock, they blessed with a male child. The further allegation is that the petitioner along with his family members harassed the de-facto complainant by demanding additional dowry. Further, the petitioner and other accused threatened the de-facto complainant that she should not appear in the divorce case in H.M.O.P.No.159 of 2022 before the learned Sub Court, Melur. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.Taking into consideration of the facts and circumstances of the case and also the fact that it is a case of matrimonial dispute, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Melur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 FIR can be registered under Section 229A IPC.

sd/-
15/06/2023

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/07/2023

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

SJI

TO

1. The Judicial Magistrate, Melur.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.ARAVINDRAJ, Advocate (SR-8993[I] dated 16/06/2023)

ORDER
IN
CRL OP(MD) No.10222 of 2023
Date :15/06/2023

DL/VS(03.07.2023)/ 3P/6C