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CRL OP(MD). N



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

Date : 13/06/2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10258 of 2023

Manjula, ... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
All Women Police Station Lalgudi,
Trichy District.
(In Crime No.7 of 2023). ... Respondent/Complainant

For Petitioner : M/s.Navaneetharaja.K,
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

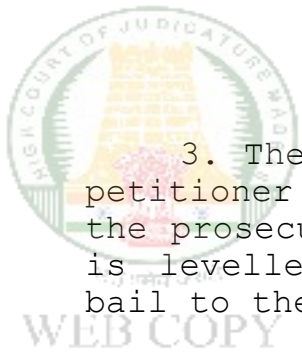
For Anticipatory Bail in Crime no.7 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 417, 494, 498(A) and 506(I) of IPC and section 4 of TNPWH Act 1998 and section 4 of Dowry Prohibition Act 1961, in Cr.No.7 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the first accused are the husband and wife. They have two children. At the time of marriage, the defacto complainant was given sufficient sridhanas. Though, the first accused along with other accused persons said to have harassed the defacto complainant by demanding additional dowry. Further, the first accused has illegal intimacy with the petitioner herein. When the same was questioned by the defacto complainant, she was driven out from the matrimonial home. Hence, the complaint.

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



3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that no specific overt act is levelled against the petitioner. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the first accused and the defacto complainant are the husband and wife. The petitioner herein is the alleged second wife of the first accused. He was already arrested and thereafter, released on bail.

5. Considering the facts and circumstances of the case and also considering the facts that the main accused namely, the first accused was already released on bail and that the charges levelled against the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Lalgudi, Trichy District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 am for a period of one month 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]**; and;



(f)if the accused thereafter absconds, a fresh FIR registered under Section 229-A IPC.

sd/-
13/06/2023

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

DSS
TO

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

+1 CC to M/s.K.NAVANEETHARAJA, Advocate (SR-8737[I] dated 14/06/2023

ORDER
IN
CRL OP(MD) No.10258 of 2023
Date :13/06/2023

PKP/CG/SAR- /23.06.2023/ **3P/6C**