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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2023

PRESENT

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

CRL OP(MD). No.10754 of 2023

1. Rabin Rai,
2. Daicy @ Helen Daicy,

... Petitioners/Accused

Vs

The state rep.by.
The Sub Inspector of Police,
All Women Police Station,
Sanarpatti,
Dindigul District.
(Crime No.338 of 2023)

... Respondent/Complainant

For Petitioners : M/s.Kannapaan A.R.,
Advocate.

For Respondent : Mr.R.M,Anbunithi,
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

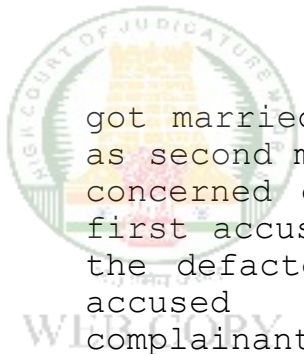
For Anticipatory Bail in Crime No.338 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 498 (A),294(b) and 506(i) of I.P.C., in Crime No.338 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 petitioner and the defacto complainant was solemnized on 13.05.2022. Prior to the marriage the defacto complainant already

<https://www.mhco.jud.go.in>



got married and got divorced and she later married another man as second marriage and she filed a petition for divorce before the concerned court, while being so, the defacto complainant and the first accused were leading a matrimonial life. Due to such wedlock the defacto complainant became pregnant and thereafter the first accused avoided the defacto complainant. when the defacto complainant went to the house of the second accused who is none other than the mother of the first accused the petitioner said to have abused and threatened her with dire consequences, 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, 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, Additional Mahila Court, 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 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 alone 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.

[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 SC .

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

AAV

TO

1.THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, DINDIGUL

2.DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL

3. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SANARPATTI,
DINDIGUL DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC TO M/S.KANNAPPAAN A.R. ADVOCATE SR.NO.9279.

ORDER

IN

CRL OP(MD) No.10754 of 2023

Date :19/06/2023

SI/VS/ (26.06.2023) 3P/ 6C