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

Date : 07/03/2023

PRESENT

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

CRL OP(MD).No.14557 of 2022

Santhosh

...Petitioner/Sole Accused

Vs.

The State represented by
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
(Cr.No.25 of 2022)

...Respondent/Complainant

For Petitioner : Mr.M.R.Sreenivasan
Advocate.

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

For Intervenor : Mr.M.Solaisamy

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

PRAYER :-

For Anticipatory Bail in Crime No.25 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 498(A) and 506(i) IPC and Section 4 of Tamil Nadu Prohibition Harassment of Women Act, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant. After marriage, the petitioner along with his family members have demanded dowry and also harassed the defacto complainant. Hence, the case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent person 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 petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner 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 Principal District Munsif cum Judicial Magistrate, Karaikudi, 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 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]**; and;

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

sd/-

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



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- 1 THE PRINCIPAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, KARAIKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. CC to M/S.SREENIVASAN M R Advocate SR.No.3732

+ 1 CC TO Mr.M.SOLAISAMY, ADVOCATE IN SR No. 3772

ORDER
IN
CRL OP(MD) No.14557 of 2022
Date :07/03/2023

SS/SBN/SAR I/16/03/2023/3P/8C