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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2023

PRESENT

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

CRL OP(MD). No.14535 of 2022

1. R.Jegadeesh,

2. R.Uma,

3. K.R Shanumugam, ... Petitioners/Accused

Vs

THE STATE REP BY
The Inspector of Police,
All Women Police Station,
Thiruppathur Po and Taluk,
Sivagangai District.
Crime No. 8 of 2022.

2. B.Pavithra,
(R2 is Suo Motu Impleaded as Per Order of the Court dated
12.08.2022) ... Respondents/Complainants

For Petitioners : M/s.Ravikumar.S.N.,
Advocate.

For R-1 : Mr.M.Veeranthiran
Additional Public Prosecutor

For R-2 :M/s. Polax Legal Solutions

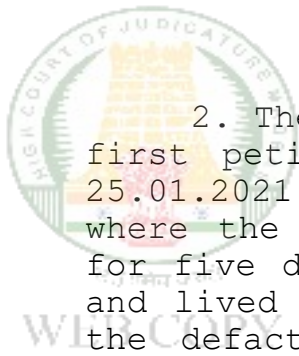
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 8 of 2022 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused who apprehend arrest at the hands of
the respondent police for the offences punishable under sections 498
(A), 406 of I.P.C r/w. Sections 4, 6 of Dowry Prohibition Act in Crime
No.8 of 2022 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 25.01.2021 and the matrimonial house was set up at Guduvancherry where the first petitioner and the defacto complainant lived only for five days and thereafter shifted the house to Old Washermenpet and lived there for 72 days. Further the date one of the marriage the defacto complainant treated the first petitioner in a cruel manner and never treated the first petitioner as husband with love and affection. On seeing the behaviour of the defacto complainant the father of the first petitioner suffered mental stress and he died by heart attack. Thereafter there were frequent quarrel between the first petitioner and the defacto complainant. Subsequently the first petitioner noticed a message in the defacto complainant cell phone about the valentines day greetings on 14.02.2021 from one Bala and when the same was enquired the defacto complainant informed that he is her lover. When the same was enquired again there were frequent quarrel. Thereafter due to misunderstanding the defacto complainant left the matrimonial house and at the time of leaving the matrimonial house she was pregnant. Later she delivered a child and the same was not intimated to the petitioners. When it was reached to the knowledge of the petitioners they put a condition to sent the first petitioner to stay with the defacto complainant permanently but the same was accepted by the parents of the first petitioner. In the said circumstances the first petitioner filed a petition for divorce in HMOP No.2833 of 2022 on the file of the VI Additional Family Court, Chennai and it is pending. In the meantime the defacto complainant has also given complaint against the petitioners and other accused, hence the case came to be registered.

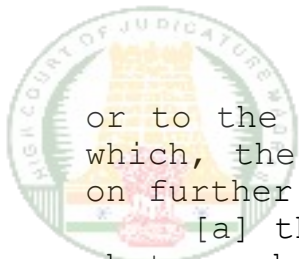
3. Heard both sides and perused the materials available on record including the First Information Report.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-4579[I] dated 20/03/2023)

4. The learned counsel appearing for the petitioners seek permission of this Court to withdraw the petition as against the first petitioner and he has also made an endorsement to that effect

5. 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 2 and 3 , with certain conditions:

6. Accordingly, the petitioners 2 and 3 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, Thirupathur, Sivagangai District 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 independent police or the police officer who intends to arrest



or to the satisfaction of the learned Magistrate concerned, which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 2 and 3 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 petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC. 6. As regards the first petitioner, the petition stands dismissed as withdrawn.

sd/-
20/03/2023

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/03/2022

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

AAV

TO

1. The Judicial Magistrate, Thirupathur,
Sivagangai District
2. The Chief Judicial Magistrate, Sivagangai District
3. The Inspector of Police,
All Women Police Station,
Thiruppathur Po and Taluk, Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-4579[I] dated 20/03/2023)



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+1 CC to M/s.S.N.RAVIKUMAR, Advocate (SR-4603[I] dated 20/03/2023)

ORDER

IN

CRL OP (MD) No.14535 of 2022

Date :20/03/2023

KB/CG/S-1 (27.03.2023) 4P 7C