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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.13799 of 2023

1. Shagar Banu,

2. Balkees Banu,

3. Mohammed Salaludeen,

4. M.T. Meeran Shahib,

5. Fathima,

... Petitioners/ Accused 2 to 6

Vs

1. The State rep. by
The Inspector of Police,
All Women Police Station, Nanguneri,
Tirunelveli District.
(Crime No.11/2023).

2. Nasrin Banu,
(R2 is Suo-Motu
Impleaded as Per Order of the Court
dated 28/07/2023)

... Respondents/Complainants



For Petitioner : Adithya vijayalayan N
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.11/2023 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 294(b), 323, 498(A) and 506(i) IPC and Section 4 of TNPHW Act and Section 4 of DP Act in Crime No.11 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute, the petitioners herein said to have demanded additional dowry from the defacto complainant and also harassed her both mentally and cruelly. Hence, the case.

3.The learned counsel for the petitioners would contend that the petitioners are



innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence, prayed for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that it is a matrimonial dispute between the husband and wife and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute between the husband and wife, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

6. 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, Nanguneri 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 learned Magistrate concerned and on further condition that:



[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police on receipt of summons.

[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 petitioner 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 SCW 5560].



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

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sd/-
06/10/2023

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/10/2023

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

TRP

TO

1 The Judicial Magistrate, Nanguneri.

2 Do through the Chief Judicial Magistrate,
Tirunelveli District.

3. The Inspector of Police,
All Women Police Station, Nanguneri,
Tirunelveli District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.VENKATESH, Advocate (SR-14815[I] dated 09/10/2023)

ORDER

IN

CRL OP(MD) No.13799 of 2023

Date :06/10/2023

SSA/JGB/13.10.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023