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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.16220 of 2022

1. K.Dinesh Kanna

2. K.Selvi

3. R.Iniya

... Petitioners/Accused Nos.1 to 3

Vs

1.The State rep.by,
The Inspector of Police,
All Women Police Station,
Jeeyapuram,
Trichy District.
Crime No.27 of 2022.

2. Suganya.

... Respondents/Complainants

(R2 is suo motu Impleaded vide order
dated 08/09/2022 in CRL OP(MD)NO.16220
of 2022 by RTJ)

For Petitioner : M/s.Arumugam C.M.,
Advocate.

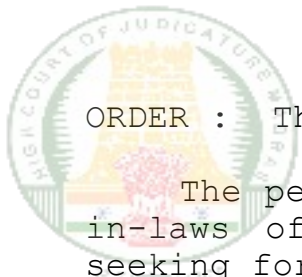
For R1 : Mr.A.Albert James,
Government Advocate (Crl.Side)

For R2 : Mrs.Porkodi Kannan, Advocate
for M/s.Polex Legal Solutions

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

PRAYER :-

For Anticipatory Bail in Crime No.27 of 2022 on the file of the
Respondent Police.



ORDER : The Court made the following order :-

The petitioners/A1 to A3, who are respectively, the husband and in-laws of the de-facto complainant, have approached this Court seeking for anticipatory bail.

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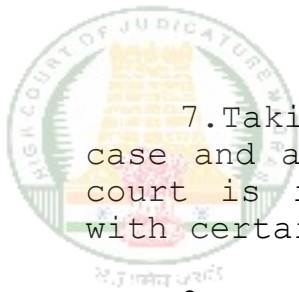
2.The case of the prosecution, as per the de-facto complainant, is that the first accused, her husband along with the other accused, who are the mother-in-law and sister-in-law, with an intention to get more dowry and also caused physical and mental harassment continuously. Hence, the case.

3.When the matter had been listed before this Court on 29.07.2022, this Court, on the submission of the counsel, finding that there is a possibility of settlement, had referred the matter to mediation. However, mediation failed and thereafter, the case was listed before this Court on 08.12.2022. It was the grievance of the de-facto complainant that the husband was retaining all the articles and was refusing to handover the same and thereby, this Court by order dated 08.12.2022 had appointed Mr.A.B.Jeeva, as an Advocate Commissioner to break open the Godrej Almirah and taken inventory of the items and handover the articles belonging to the de-facto complainant. Pursuant to which, the parties have visited the house of the first accused on 10.12.2022 along with the Advocate Commissioner and the Godrej Almirah was opened and the inventory of all the items were taken. The Advocate Commissioner has also filed a report stating that all the materials including Educational certificates and the original land document have been returned to the de-facto complainant.

4.It is also represented by the learned counsel for the de-facto complainant that the de-facto complainant has no objection in granting anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. side) appearing for the first respondent police would submit that based on the complaint given by the de-facto complainant, a case came to be registered in Crime No.27 of 2022 for the offence punishable under Sections 294 (b), 323, 354, 498(A), 406 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act. He would further submit that pursuant to the appointment of the Advocate Commissioner, the house of the first petitioner was visited by the Advocate Commissioner along with the de-facto complainant and all the utensils belonging to the de-facto complainant including the Educational Certificates and the original land document have been handed over to the de-facto complainant.

6.Heard. Perused the materials available on record including the First Information Report and also the report filed by the Advocate Commissioner.



7. Taking into consideration the facts and circumstance of the case and also the report filed by the Advocate Commissioner, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

8. 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 Additional Mahila Court, Trichy 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 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 shall report before the respondent Police, daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation; and the petitioners 2 and 3 shall report before the respondent police 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 SCW 5560].

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

sd/-

19/01/2023

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/02/2023

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

SJI

<https://www.mhc.tn.gov.in/judis>



TO

1. THE JUDGE, ADDITIONAL MAHILA COURT, TRICHY DISTRICT.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JEEYAPURAM,
TRICHY DISTRICT.

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

+1 CC to M/s.ARUMUGAM C.M., Advocate (SR-803[I] dated 19/01/2023)

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-811[I] dated
19/01/2023)

ORDER

IN

CRL OP(MD) No.16220 of 2022

Date :19/01/2023

RK/BUC/SAR-1 (01/02/2023) 4P/6C