



CRL OP(MD). No.14601 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Shanmugavel
2. Palanisamy
3. Ramathal
4. Murugathal

... Petitioners/ Accused 1 to 4

Vs

1. State Rep.by
The Inspector of Police,
All Women Police Station,
Theni.
(Crime No.43/2023).

... Respondent/ Complainant

- (*)2. Shalini,
W/o.Shanmugavel,
No.1,W-29,South Street,
Srirangapuram, Theni Taluk,
Theni.

... 2nd Respondent

(*)(R2 is Suo-Motu Impleaded as Per Order of the Court
dated 10/08/2023 in CRL OP(MD).14601/2023 by GIJ)

For Petitioner : Mr.T.Leninkumar, Advocate.
For Respondent : Mrs.M.Aasha, Government Advocate (Crl.Side)

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



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PRAYER :-

For Anticipatory Bail in Crime No.43/2023 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 109, 294(B), 323, 406, 498(A) and 506 (i) IPC and Section 4 of the Dowry Prohibition Act, 1961 in Crime No.43 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the A1 and the defacto complainant are husband and wife and the A1 and the other accused said to have demanded additional dowry of 20 sovereign of gold jewels and Rs.2,00,000/-. 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 A1, who is the husband of the defacto complainant and the other accused said to have demanded additional dowry and also made cruelty on her 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



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inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

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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 Additional Mahila Court, Theni 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 appear before the respondent police as well as the trial Court 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



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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/-
04/10/2023

/ TRUE COPY /

/10/2023

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

TRP

TO

- 1 THE JUDGE, ADDITIONAL MAHILA COURT, THENI.
- 2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THENI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-14662[I] dated 05/10/2023)

ORDER IN
CRL OP(MD) No.14601 of 2023
Date :04/10/2023

RS/VRS/SAR-(10.10.2023) 4P 5C
Madurai Bench of Madras High Court is issuing
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