



CRL OP(MD). No.15182 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. Balamurugan

2. Maheshwari

3. Pooja

4. Vigneshkumar

... Petitioners / Accused No.1 to 4

Vs

1. State rep by

The Inspector of Police,
All Women Police Station,
Theni,
Theni District.
(In Crime No.40/2023).

... 1st Respondent / Complainant

2. Saranya

(R2 is Suo-Motu Impleaded as Per
Order of the Court Dated 21/08/2023
in CrI.OP(MD) No.15182 of 2023)

... 2nd Respondent

For Petitioners : V.Santhakumaresan, Advocate.
For Respondent : M/s.M. Aasha
Government Advocate (CrI.Side)



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

PRAYER :-

For Anticipatory Bail in Crime No.40/2023 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 498A, 294(b), 323 of IPC r/w. Section 4 of TNPHW Act and Section 4 of the Dowry Prohibition Act in Crime No.40 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. Due to the matrimonial dispute, A1 and the other accused said to have demanded additional dowry and also caused cruelty to her. 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 caused cruelty to her both and the



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investigation of the case is pending.

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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, 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.



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[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.

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 Judicial Magistrate,
Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
All Women Police Station,
Theni, Theni District.



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

ORDER
IN
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Date :04/10/2023

ED/VRS/SAR- (10/10/2023) 5P / 5C

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