



CRL OP(MD)No.16509 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.16509 of 2023

1.Kalidass

2.Mariyappan @ Chinna Mariappan

3.Latha

... Petitioners / Accused No.1 to 3

Vs

1.State rep by

The Inspector of Police,
All Women Police Station,
Rajapalayam.
(Crime No.27 of 2023)

... 1st Respondent / Complainant

2.Maheshwari

(R2 is suo motu impleaded as per order
of the Court dated 13.09.2023 in CrI.O.P.
(MD)No.16509 of 2023)

... 2nd Respondent

For Petitioners : Mr.G.Karuppasamy Pandiyan

For Respondent : M/s.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.27 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498A, 294(b), 406 and 506(i) IPC in Crime No.27 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife. At the time of marriage, 13½ sovereign gold jewels were presented by the parents of defacto complainant as a dowry. After marriage, under the guise of doing business, the first petitioner received Rs.4,50,000/-. Thereafter, the first petitioner frequently harassed the defacto complainant under the influence of alcohol. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he prayed for anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the investigation in this case is still pending. Hence, he opposed to grant anticipatory bail to the petitioners.



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5.Considering the facts and circumstances of the case and also considering the fact that it is a case of matrimonial dispute, this court is inclined to grant anticipatory bail to the petitioners with certain 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 Additional Mahila Court, Srivilliputhur, 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 petitioners shall report before the trial Court on 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



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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/-
10/10/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Additional Mahila Court,
Srivilliputhur.

2.The Inspector of Police,
All Women Police Station,
Rajapalayam.

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

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-14908[I] dated
10/10/2023)



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ORDER

IN

CRL OP(MD) No.16509 of 2023

Date :10/10/2023

ED/JGB /SAR- (18/10/2023) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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