



CRL OP(MD). No.16543 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

CRL OP(MD). No.16543 of 2023

1. Ilaya Bharathi
2. Sivaselvi

... Petitioners/ Accused 1 & 2

Vs

1. State Rep.by
The Inspector of Police,
Palani - All Women Police Station,
Dindigul District.
Crime No.07/2023.

... Respondent/Complainant

(*)2. Sangavi,
D/o.Ramaraj,
Velayuthampalayam Pudur,
Kavalapatti, Palani.

... 2nd Respondent

(*)(R2 is Suo-Motu Impleaded as Per Order of the Court
Dated 13/09/2023 in CRL.OP(MD)16543 of 2023)

For petitioners : M/s.Jacksondurai.K., 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.07 of 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 498(A), 294(b), 109 and 406 IPC r/w. Section 4 of Dowry Prohibition Act, 1951 and Section 4 of Harassment of Women Act, 2002 in Crime No.7 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner, who is the husband of the defacto complainant and her family members have demanded additional dowry from the defacto complainant and they have also tortured 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 the petitioners have demanded additional dowry from the defacto complainant and also they have tortured her both mentally and cruelly and the investigation of the case is



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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 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Palani 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.



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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 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/-
04/10/2023

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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, PALANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, PALANI ALL WOMEN POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.N.SHYLAPPA KALYAN, Advocate (SR-14617[I] dated 04/10/2023)



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ORDER

IN

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Date :04/10/2023

RS/VRS/SAR-(10.10.2023) 5P 6C

Madurai Bench of Madras High Court is issuing
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