



CRL OP(MD)No.16969 of 2023

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

Date :03.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.16969 of 2023

1.Mohammed Iqbal

2.Basera Beevi

3.Ajmal Khan

... Petitioners / Accused Rank not known

Vs

State rep by
The Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.
(In Crime No.9 of 2023)

... Respondent / Complainant

For Petitioners : Mr.B.Arun, Advocate

For Respondent : M/s.M.Aasha,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.9 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 506(i) IPC r/w Section 4 of TNHW Act in Crime No.9 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are in-laws of the defacto complainant and they harassed her by demanding additional dowry. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are only in-laws. Due to matrimonial dispute, the defacto complainant filed a false complaint and the petitioners herein are innocent and they have not committed any offence as alleged in the complaint. 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 petitioners and other accused harassed the defacto complainant by demanding additional dowry. Hence, she opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that it is a family dispute, this court is inclined to grant anticipatory bail to the petitioners with certain 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 Additional Mahila Court(Judicial Magistrate Level), Sivagangai 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 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



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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
03/10/2023

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/10/2023

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

GNS

To

1.Additional Mahila Court (Judicial Magistrate Level),
Sivagangai.

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

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

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

+2 CC to M/s.B.ARUN, Advocate (SR-14548 (I) dated 03.10.2023 and 14655 [I] dated 05/10/2023)



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ORDER

IN

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Date :03/10/2023

ED/VRS/SAR- (10/10/2023) 5P / 7C

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