



CRL OP(MD). No.17319 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Sarun,
2. Balakrishnan,
3. Shanthi,
4. Muthulakshmi,
5. Palanikumar,

... Petitioners/ Accused No. 1 to 5

Vs

**State Rep.by
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.
(Crime No.44/2023)..**

... Respondent/ Complainant

For Petitioners : M/s.Uthayakumar A,Advocate.

**For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Anticipatory Bail in Crime No.44/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



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The petitioners/ A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 of IPC in Crime No.44 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized in the year 2020 and at the time of marriage the parents of the defacto complainant offered 44 sovereigns of gold jewels along with srithana articles and thereafter they were blessed with a boy child . After the birth of child the first petitioner left abroad and returning from abroad the first petitioner along with others harassed the defacto complainant demanding more dowry and harassed her. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them and they never demanded any dowry. Therefore, he prayed for anticipatory bail to the petitioners.

4.The Government Advocate(Crl.Side) appearing for the respondent would submit that petitioners demanded more dowry and harassed the defacto complainant, hence objected to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also the fact that it is dispute between the family members, 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 learned Judicial Magistrate No.II, Madurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (Common 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 appear 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 Court



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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/-
09/10/2023

/ TRUE COPY /

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

AAV
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THALLAKULAM,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.A.UTHAYAKUMAR, Advocate (SR-14931[I] dated 10/10/2023)

ORDER
IN

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Date :09/10/2023

PKP/VRS/SAR- /13.10.2023/ 5P/6 C

Madurai Bench of Madras High Court is issuing certified
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