



CRL OP(MD). No.17356 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1.B.Rekha

2.P.Rajendran

3.R.Muthupponnu

... Petitioners/ Accused

Vs

State Represented by,
The Inspector of Police,
E5 Matuthavani Police Station,
Madurai District.
(Crime No.470 of 2023).

... Respondent/Complainant

For petitioners : Mr.J.Alaguraam Jothi.J,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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



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PRAYER :-
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For Anticipatory Bail in Crime No.470 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 380NP and 506(i) IPC in Crime No.470 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife. There is matrimonial dispute pending between them. Due to which, the first petitioner filed the case in D.V.C. No.1 of 2019 against the defacto complainant before the Additional Mahila Court, Madurai. On 02.09.2023 at about 11.00 a.m., when the defacto complainant went to his house, he saw that the petitioners were inside the house by entering into the house by broke open the lock and also he found that the cash and gold ornaments were stolen, when the same was questioned by the defacto complainant, he was threatened by the petitioners. Hence, the complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent. He would further submit that already matrimonial dispute is pending



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between the first petitioner and the defacto complainant. Interim protection was granted to the first petitioner for permitting her to enter into the house of the defacto complainant for dwelling rights. But the defacto complainant purposely locked the house and went away, when the first petitioner tried to enter into her matrimonial house as per the order of the Court. After the intimation given to the respondent Police only, the petitioner entered into that house.

4. The learned Government Advocate (Crl.Side) would submit that two sovereigns of gold was taken by the first petitioner without permission of her husband and no one is arrested in this case.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions made on either side and also considering the relationship of the parties and there is matrimonial dispute pending between them, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:



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7. 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.VI, Madurai, 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 petitioners shall report before the respondent Police on every Saturday at 10.00 am., for the period of four weeks and thereafter, as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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



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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].

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

sd/-
29/09/2023

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

INDU

TO

1.THE LEARNED JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE,
E5 MATUTHAVANI POLICE STATION,
MADURAI DISTRICT.

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



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+1 CC to M/s.J.ALAGURAM JOTHI, Advocate (SR-14453[I] dated 29/09/2023)

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ORDER

IN

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Date :29/09/2023

RK/DD(06/10/2023) 6P / 6C

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