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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.17588 of 2023

1.Ramkumar

2.Ganesan

3.Ananthi

... Petitioners/ Accused Rank Not Known

Vs

The Inspector of Police,
All Women Police Station,
Puliyangudi,
Tenkasi District.

... Respondent/ Complainant

For Petitioners : Mr.G.Thiruvavutselvan,
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.Not Known of 2023 on the file of the Respondent
Police.

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



ORDER : The Court made the following order :-

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The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and Section 4 of the Dowry Prohibition Act in Crime No. Not Known of 2023, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife and they married on 13.12.2021. At the time of marriage, 18 sovereigns of gold jewels, house articles, worth about Rs.1.50 Lakhs, 3 sovereigns chain and 1 sovereign ring was gifted as dowry by the parents of the defacto complainant. After marriage, the first petitioner demanded dowry and tortured her. Hence the case.

3. The learned counsel appearing for the petitioners would submit that there is family dispute between the first petitioner and the defacto complainant. The second petitioner is the father-in-law and the third petitioner is the mother-in-law. The petitioners are innocent and they have not committed any offence as alleged in the complaint.



4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that there was matrimonial dispute between the first petitioner and the defacto complainant. Based on the complaint given by the defacto complainant, petition enquiry was initiated and the same is pending.

5.Considering the facts and circumstances of the case and also considering the fact that petition enquiry is pending, 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 learned Judicial Magistrate No.I, Tenkasi 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.



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[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 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/-
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.The Judicial Magistrate No.I, Tenkasi.

2.Do through the Chief Judicial Magistrate,
Tirunelveli.

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



3.The Inspector of Police,
All Women Police Station,
Puliyangudi,
Tenkasi District.

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

+1. CC to G.Thiruvarutselvan Advocate SR.No.45657(F)

ORDER
IN
CRL OP(MD) No.17588 of 2023
Date :03/10/2023

SSA/MGA/06.10.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023