



CRL OP(MD)No.17981 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.17981 of 2023

(*)Elango @ Elangovan

... Petitioner/ Accused No.1

Vs

**State Rep.by
The Inspector of Police,
AWPS Melur Police Station,
Madurai District
(Crime No. 30/2023)**

... Respondent/Complainant

**For Petitioner : Mr.S.Ramsundarvijayraj,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.30 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 323, 506(i) IPC and Section



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4 of the Dowry Prohibition Act in Crime No.30 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner are husband and wife. At the time of marriage, defacto complainant's parents presented 70 sovereigns of gold and other marriage srithana articles. After marriage, A2 to A3 were demanded additional dowry and at the instigation of other accused, the petitioner herein harassed the defacto complainant and he also attacked her. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioner and other accused harassed the defacto complainant by demanding additional dowry. Hence, she opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that it is a case of family dispute, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of



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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, Merlur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner shall report before the trial Court on summons.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

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



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

sd/-
10/10/2023

(*)Amended as per order of this Hon'ble Court in
CRL MP(MD).15944/2023 in CRL OP(MD).
17981/2023 dated 20/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
18/10/2023

- 1 THE JUDICIAL MAGISTRATE,
MELUR
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-16515[I] dated
20/11/2023)



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ORDER
IN

CRL OP(MD) No.17981 of 2023

Date :10/10/2023

PKP/JGB/SAR- /17.10.2023/ 5P/6C

RS /JGB/SAR- /28.11.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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