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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.21943 of 2022

1.Azhagarsamy
2.Vellaiyammal
3.Krishnan

... Petitioners / Accused 1 to 3

Vs

1.The State rep by
The Inspector of Police,
All Women Police Station,
Thirupathur,
Sivagangai District.
(Crime No.11 of 2022)

... 1st Respondent / Complainant

2.Kaladevi

...Petitioner/Intervener
(Defacto Complainant)
in CRL MP(MD)No.15983 of 2022

For Petitioners : Mr.S.Bharathy Kannan, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.P.M.Vishnuvardhanan

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

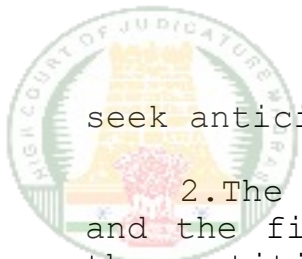
PRAYER :-

For Anticipatory Bail in Crime No.11 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 406 IPC r/w Sections 4 and 6 of Dowry Prohibition Act, 1961 in Crime No.11 of 2022 on the file of the respondent police,

<https://www.mca21.in/judis>



seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and the first petitioner are husband and wife and after marriage, the petitioners harassed the de-facto complainant by demanding additional dowry and they driven her out of the matrimonial home. Thereafter, the first petitioner has married the another women. Hence, the case.

3.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

4.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5.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, Thirupathur, 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 first petitioner shall report before the respondent Police, daily at 10.30 A.M., for a period of two weeks and thereafter, as and when required for interrogation; and the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.

[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].



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

sd/-
06/03/2023

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/03/2023

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

SJI

TO

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

+1 CC to M/s.S.BHARATHY KANNAN, Advocate (SR-3482[I] dated
06/03/2023)

+ 1 CC TO M/S.P.M.VISHNUVARTHANAN, ADVOCATE SR-3694

ORDER
IN
CRL OP(MD) No.21943 of 2022
Date :06/03/2023

ED/CG/SAR-1 (23/03/2023) 5P/7C