



WEB COPY

CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/03/2023

PRESENT

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

CRL OP(MD). No.22182 of 2022

1. Ravi Kumar,

2. Murugeshwari @ Murugeswari, ... Petitioners/Accused Nos. 1 & 3

Vs

State Rep.by
The Inspector of Police,
(*)Tenkarai Police Station,
Theni District.
Cr.No.468/2022.

... Respondent/Complainant

Kavitha

...Petitioner/Defacto Complainant
in CRL MP(MD)No.16006 of 2022

For Petitioners : M/s. Anantha Murugan.S.M, Advocate.

For Intervenor :M/s.S. Balaji, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl Side)

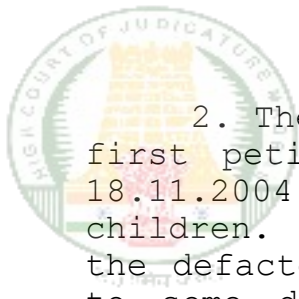
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.468/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused who apprehend arrest at the hands of the respondent police for the offences punishable under sections 498 (A)and 406 of I.P.C., in Crime No.468 of 2022 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 on 18.11.2004 and out of their wedlock they were blessed with two children. The first petitioner is the son of the maternal uncle of the defacto complainant and he was working in Indian Army. Due to some difference of opinion the first petitioner had filed a petition for divorce in HMOP No.288 of 2022 on the file of the Family Court, Theni and it is pending. Further the petitioners herein harassed the defacto complainant demanding more dowry, hence the case.

3. The learned counsel for the intervenor would submit that the first petitioner had got married another woman and objected to grant anticipatory bail to the petitioners

4. Heard both sides and perused the materials available on record including the First Information Report.

5. Taking into consideration of the facts that it is a case of matrimonial dispute between the parties, this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

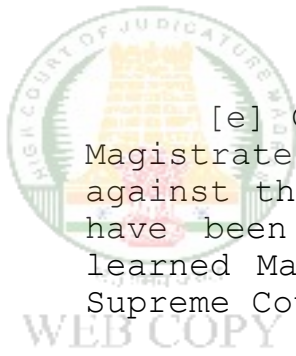
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Periyakulam, Theni District on condition that the petitioners shall 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 am., for a period of two weeks and thereafter 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 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/-
14/03/2023

**(*)Amended as per order of the Court
dated 05/06/2023 in CrI.MP(MD).7694/2023
in CrI.OP(MD).22182/2022**

**The time is also extended further for a
period of two weeks, from the date on
which the order copy is made ready.**

/ TRUE COPY /

/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 14/03/2023 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PERIYAKULAM, THENI DISTRICT,
- 4 THE INSPECTOR OF POLICE,
TENKARAI POLICE STATION,
THENI DISTRICT.



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

+1 CC to M/s.S.BALAJI, Advocate (SR-4174[I] dated 14/03/2023)

+1 CC to M/s.ANANTHA MURUGAN.S.M, Advocate (SR-8044[I] dated
05/06/2023)

ORDER

IN

CRL OP (MD) No.22182 of 2022

Date :14/03/2023

PKP/MMS/SAR-2/17.03.2023/ **4P/7C**

PNM

PKP/BUC/SAR- /12.06.2023/ **4P/8C**