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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.23007 of 2022

1. Subramanian
2. Jeeva
3. Dineshkumar
4. Bhanumathi

... Petitioners/Accused Rank No.2 to 5

Vs

1. State Rep.by
The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District
(Crime No.27 of 2022).

... 1st Respondent/Complainant

2. Ramyasri

... 2nd Respondents/Defacto Complainant

For Petitioners : M/s.Arun.B, Advocate.
For R1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)
For R2 : Mr.G.Sarathkumar, Advocate

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

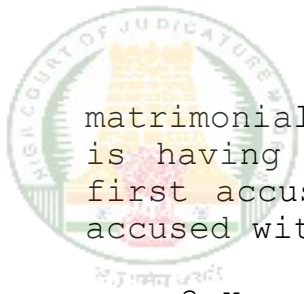
PRAYER :-

For Anticipatory Bail in Crime No.27 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A2 to A5 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417 and 420 of I.P.C., in Crime No.27 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 is the husband and the petitioners are in-laws of the de-facto complainant. The marriage between the first accused and the de-facto complainant was solemnized on 08.12.2021 and at the time of marriage, 60 sovereigns of gold jewels, Rs.2,00,000/- cash and scooty were given as dowry. At the time of marriage, the first accused did not have any interest in the



matrimonial life and later, she came to know that the first accused is having some health issues. Suppressing the said defect of the first accused, the petitioners had performed marriage to the first accused with the de-facto complainant. Hence, the case.

3. Heard. Perused the materials available on record including the First Information Report.

4. It is seen that the first accused was already arrested and released on bail. Insofar as the petitioners are concerned, they are in-laws of the de-facto complainant. Therefore, the custodial interrogation of the petitioners is not required in this case.

5. Considering the above facts and circumstances of the case and also the fact that the petitioners are in-laws of the de-facto complainant, 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, Paramakudi, 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 petitioners 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].



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

sd/-

14/03/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.ARUN.B, Advocate (SR-4213[I] dated 15/03/2023)

ORDER

IN

CRL OP(MD) No.23007 of 2022

Date :14/03/2023

RS/CG/SAR-4 (27.03.2023) 3P 6C