



CRL OP(MD). No.7389 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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Suhail Ahamed,

... Petitioner/ Accused A1

Vs

The Inspector of Police,
(*)Golden Rock All women Police Station,
Trichy City, Trichy.
(Crime No. 03 of 2024).

... Respondent/Complainant

For Petitioner : T. Vadivelan,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 03 of 2024 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 and 506(i) of IPC r/w Section 4 of TNPHW Act, in Cr.No.3 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are the husband and wife. Even though, sufficient sridhana articles were given to the defacto complainant at the time of marriage, the petitioner and his family members harassed the defacto complainant by demanding additional dowry at various points of time. Considering the life of the defacto complainant, all the demands were fulfilled by the father of the defacto complainant. However, the petitioner deserted the defacto complainant and the child. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused (A2 & A3) were already released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that it is a matrimonial dispute between the parties. 3 witnesses have been examined and the major part of the investigation has been completed. Further, the co-accused were already released on bail.



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5.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute between the parties, the co-accused were already released on bail and the major part of the investigation has been completed, 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 arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court, Trichy, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 respondent police weekly once i.e., every Saturday at 10.30 am until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/07/2024

**(*)AMENDED AS PER THE ORDER OF
THIS HON'BLE COURT in CRL MP(MD)
No.8396 of 2024 in CRLOP(MD)No.7389/2024
DATED 19/08/2024.**

/ TRUE COPY /

/08/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
TO BE SUBSTITUTED WITH THE ORDER DATED 25/07/2024 ALREADY
DESPATCHED.

1 THE JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT TRICHY.

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

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



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3 THE INSPECTOR OF POLICE
GOLDEN ROCK ALL WOMEN POLICE STATION,
TRICHY CITY,
TRICHY.

4 THE INSPECTOR OF POLICE
GOLDEN ROCK POLICE STATION,
TRICHY CITY,
TRICHY.

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

+1. CC to Mr.T. VADIVELAN Advocate SR.No.10135 DATED 20/08/2024

ORDER
IN
CRL OP(MD) No.7389 of 2024
Date :25/07/2024

MGJ/GS/06.08.2024/5P/6C
LS
SS/VR/SAR- /24/08/2024/5P/7C

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