



CRL OP(MD)No.11833 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 26.07.2024

PRESENT

The Hon`ble MR.JUSTICE AA.NAKKIRAN

CRL OP(MD)No.11833 of 2024

Gandhimathi

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Pavoorchathram Police Station,
Tenkasi District.
(Crime No.263 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.N.Shyllappakalyan,
Advocate
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.263 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 174(3) Cr.P.C., altered into
(*) Section 304B of IPC in Cr.No.263 of 2023_on the file of the respondent police,



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seeks anticipatory bail.

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2.The case of the prosecution is that the defacto complainant's sister and A1 are husband and wife and their marriage was solemnized in the year 2023. After marriage, A1 went to Chennai for his work by leaving his wife in her parental home and thereafter, he did not contact her. Due to which, she committed suicide. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) for the respondent submits that the investigation is yet to be completed and as of now, 11 witnesses have been examined.

5.Considering the facts and circumstances of this case and also considering that 11 witnesses have been examined, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tenkasi on condition that the petitioner shall execute a



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bond for a sum of Rs.10,000/- (Rupees Ten Thousand) 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 on every Saturday at 10.30 am., until further orders;

(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



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Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(f)if the accused thereafter absconds, a fresh FIR can be registered

under Section 229-A IPC.

sd/-

26/07/2024

(*)Amended as per order of this Hon'ble Court
dated 19/08/2024 in CRL MP(MD).8398 of
2024 in CRL OP(MD).11833/2024

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/08/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
05/08/2024

1 THE JUDICIAL MAGISTRATE
TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
PAVOORCHATHRAM POLICE STATION, TENKASI.

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



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+1 CC TO MR.N.SHYLLAPPA KALYAN, ADVOCATE, SR-10047[I] DATED
19/08/2024

ORDER
IN

CRL OP(MD) No.11833 of 2024
Date :26/07/2024

SS/JGB/SAR- /05/08/2024/5P/6C
RS/VR/SAR- /24/08/2024/5P/6C

Madurai Bench of Madras High Court is issuing
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