



CRL OP(MD). No.17661 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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Pensi @ G. Francina,

... Petitioner/ Accused No.3

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.
(Crime No. 21/2024)

... Respondent/ Complainant

For Petitioner : R.Yamuna,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 21 of 2024 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294(b), 323, 506(1), 109 and 313 IPC and Section 4 of TNPWH Act and Section 4 of Dowry Prohibition Act, 1961 in Crime.No.21 of 2024, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner herein had illicit relationship with A1, who is the husband of the defacto complainant. Hence, the complaint.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent Police and perused the materials available on record.

4. Considering the nature of allegation that it is arise out of marital discord and the allegation against this petitioner is that she is having an illicit relationship with A1 and considering the argument of the learned Counsel for the petitioner that



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except for being the patient of A1, who is the Doctor, the petitioner has got nothing to do with the first accused and that she is already married and living with her family and she is also willing to file an affidavit to that effect, I am inclined to grant anticipatory bail to the petitioner.

5. 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, Nilakkottai, Dindigul District 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) As undertaken, the petitioner shall file an affidavit stating that the petitioner is married and except that patient Doctor relationship the petitioner does



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not have any other relationship with A1 and that even for treatment hereafter, the petitioner will approach some other doctor;

(c) the 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;

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



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

sd/-
17/10/2024

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/11/2024

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

TRP

TO

1. Judicial Magistrate, Nilakkotai, Dindigul District.
2. Do-Through The Chief Judicial Magistrate,
Dindigul District.
3. The Inspector of Police,
The State of Tamilnadu,
All Women Police Station,
Nilakottai,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.17661 of 2024
Date : 17/10/2024



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SI/MMS/ /-(07.11.2024) 6P/ 5C

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