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Crl.O.P.No.6962 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.6962 of 2025

Mr.Poomani

...Petitioner/Accused 4

Vs.

The State rep by
The Inspector of Police,
All Women Police Station,
Thirukoilur,
Kallakurichi District.
(Cr. No.16 of 2023)

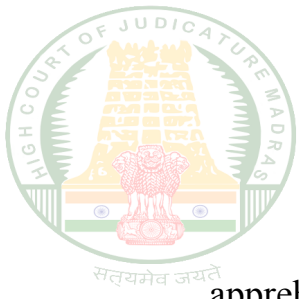
... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioner on bail in the event of his arrest by the respondent police in connection with the non-bailable offence punishable under Section 498(A), 294(b), 506(2) of IPC and Section 4 of Dowry Prohibition Act in Crime No.16 of 2023.

For petitioner : Ms.P.M.Hemalatha

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER



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This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.16 of 2023 registered for the offences under 498(A), 294(b), 506(2) of IPC and Section 4 of Dowry Prohibition Act.

2.The case of the prosecution is that the defacto complainant was married to the petitioner; that within four months of marriage, there was misunderstanding; that the petitioner abused her in filthy language and assaulted her; and started demanding dowry from the defacto complainant, as a result of which, she left the matrimonial house. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that this is second Anticipatory Bail Petition and earlier petition was dismissed by this Court on 10.10.2023, since there were allegations against the petitioner who is the husband of the defacto complainant and that, now there is a change in circumstances as the respondent has filed final report and sought for anticipatory bail.

4. Learned Government Advocate (CrI.Side) appearing for the

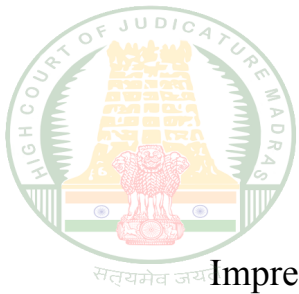


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respondent police reiterated the prosecution case and submitted that though the earlier anticipatory bail petition was dismissed, the petitioner appeared for enquiry before the respondent police and the same has been recorded in the final report.

5. Considering the nature of allegations, the fact that the final report has been filed and the petitioner had appeared before the respondent during investigation and since custodial interrogation of the petitioner is not required, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Sankarapuram, Kallakurichi** 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:



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[a] 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 twice a week i.e., every Monday and Friday at 10.30 a.m., until further orders and thereafter, after the final report taking on file, the respondent shall appear before the Trial Court on all the hearing dates;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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1.The Inspector of Police,
All Women Police Station,
Thirukoilur,
Kallakurichi District.

2.The Judicial Magistrate, Sankarapuram, Kallakurichi.

3.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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