



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Thirtieth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22582 of 2015

SUMITHRA

... PETITIONER / ACCUSED No.2

Vs

1. THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
(CRIME NO. 34 OF 2015)

... RESPONDENT/COMPLAINANT.

2 AMALA SUBITHA

... RESPONDENT / DEFACTO COMPLAINANT(S)

For Petitioner : M/S.N.DILIP KUMAR Advocate

For Respondent : MR.P.KANNIDEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 506(i) of IPC and Sections 4 & 6 of Dowry Prohibition Act, in Crime No.34 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the first accused, who is the brother-in-law of this petitioner and the defacto complainant was solemnized on 28.11.2012. After the marriage, the accused persons demanded more dowry and ill-treated the defacto complainant. On 26.12.2012, the first accused given all the jewels of the defacto complainant to the second accused. According to the defacto complainant, A1 had illicit intimacy with A2 and this was questioned by the defacto complainant, due to which, the defacto complainant was assaulted by A1.

3.The case of the petitioner is that she is an innocent person and her name has been falsely implicated in this case. The petitioner got married with third accused on 04.11.2005 and she has got two school going children. The allegations against this petitioner is false, vexatious and frivolous. On 29.12.2012 the defacto complainant attempted to self-immolate herself and there was a dispute between the A1 and the defacto complainant, due to that, she left the matrimonial home. The first accused filed I.D.O.P.No.225 of 2015 before the District Court, Nagercoil. On 29.12.2012, while serving the summons, the defacto complainant has given a false complaint against this petitioner and other accused. The petitioner is now living at her parents house with her husband and children. He



further submitted that A3 and A5 were arrested and released on bail by the Sessions Court, Nagercoil.

4.The learned Government Advocate (Crl.side) submitted that the petitioner demanded more dowry and tortured the defacto complainant.

5.Considering the facts and circumstances of the case and also considering the fact that A3 & A5 were arrested and released on bail by the Sessions Court, Nagercoil, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District Munsif-cum-Judicial Magistrate Court, Boothapandi and on executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
30/11/2015

/ TRUE COPY /

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

TO

1 THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE COURT,
BOOTHAPANDI

2 DO THRO THE JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.38281.

ORDER
IN
CRL OP(MD) No.22582 of 2015
Date :30/11/2015

AM/01.12.2015/SK.SKN/SAR-I/2P/6C