



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11344 of 2016

S.P. KALAIMATHI

... PETITIONER/ACCUSED NO.5

Vs

STATE THROUGH

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, ARUPPUKKOTTAI,

VIRUDHUNAGAR DISTRICT.

(CRIME NO.18 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.HAJA MOHIDEEN Advocate

For Respondent : M/S.P.KANNITHEVAN,

Government Advocate (Crl. Side)

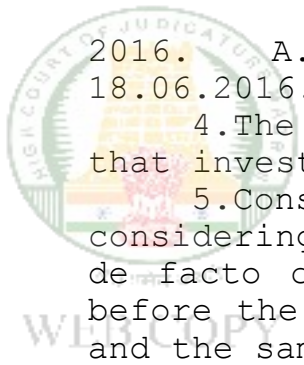
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 offences punishable under Sections 498-A, 420, 406 IPC, 294(b), 506(i) of IPD read with Section 4 of Dowry Prohibition Act, in Crime No.18 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the de facto complainant and A.1 was solemnized on 07.03.2012. The accused persons have falsely stated about the educational qualification of A.1 and cheated the de facto complainant. After the marriage, the accused persons demanded additional dowry. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. The petitioner is the sister-in-law of the de facto complainant. After marriage, both A.1 and de facto complainant were residing at Bangalore. Due to misunderstanding between them, the de facto complainant left the matrimonial home in the month of March, 2014. There was no dowry harassment by the petitioner. A.1 filed H.M.O.P.No.399 of 2016 on the file of Family Court, Madurai for restitution of conjugal rights and the same is pending. After receiving notice in the said proceedings, the de facto complainant has given a false complaint in the month of April,



2016. A.1 was arrested and remanded to judicial custody on 18.06.2016.

4.The learned Government Advocate (Criminal side) submitted that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is the sister-in-law of the de facto complainant and A.1 already filed H.M.O.P.No.399 of 2016 before the Family Court, Madurai for restitution of conjugal rights and the same is pending and he was arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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, Aruppukottai, 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 condition that:

- (i) the petitioner shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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]**.

sd/-

14/07/2016

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- +1. CC to M/S A.HAJA MOHIDEEN Advocate SR.No.36608
RL/6C/2P/ARK/PV/SARI/18/7/2016

IN

CRL OP(MD) No.11344 of 2016
Date :14/07/2016