



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

Monday, the Eighth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13650 of 2016

PERIYANADATCHI

... PETITIONER/ ACCUSED NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
EATHAMOZHI POLICE STATION,
KANYAKUMARI DISTRICT
CRIME NO.167 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU Advocate

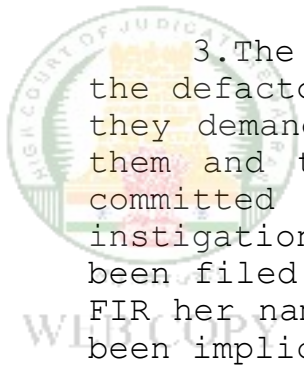
For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police, for the alleged offences punishable under Sections 498(A), 306 IPC and Sections 4 and 6 of the Dowry Prohibition Act and Section 4 of TNPWH Act, in Crime No.167 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the mother-in-law of the defacto complainant/deceased. The marriage between the son of the petitioner and the defacto complainant/deceased was solemnized 9 years back and out of the wedlock, two sons were born. The allegation made against the petitioner is due to the petitioners instigation, the petitioner's son tortured the defacto complainant/deceased demanding additional dowry and assaulted her. When the defacto complainant/deceased obtained a loan for a sum of Rs.50,000/- for construction of the house wall on 26.06.2016. There was a dispute with regard to the repayment of the loan. Due to that the petitioner's son doused the defacto complainant using kerosene and shouted her to die. She set herself ablaze and she was admitted in the hospital by the petitioner himself. On complaint, a case has



3.The case of the petitioner is that the petitioner's son and the defacto complainant were living happily and at no point of time, they demanded additional dowry. There was no serious quarrel among them and the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Only at the instigation of the brother of the deceased, a false complaint has been filed. The petitioner is no way connected in this case. In the FIR her name was not found. Based on the dying declaration, she has been implicated in this case.

4.The learned Government Advocate (Crl. Side) submitted that the petitioner is the mother-in-law of the defacto complainant/deceased. Since the petitioner's son demanded additional dowry from the defacto complainant, dispute arose between them and at that time, the petitioner's son poured kerosene on the defacto complainant and shouted her to die herself. The defacto complainant set ablaze herself. At the occurrence place, the petitioner was present and never trying to stop them. In the dying declaration, the deceased has given statement that due to the instigation of the petitioner, her husband tortured her demanding additional dowry and she set fire herself. Investigation is pending. If the petitioner is released on bail, she will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is no way connected in this case and her name was not found in the FIR, this Court is inclined to enlarge the petitioner on anticipatory bail with certain conditions. Accordingly, the petitioner ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari 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 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].



6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
08/08/2016

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/ TRUE COPY /

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

PJL
TO

- 1 THE JUDICIAL MAGISTRATE NO.III,NAGERCOIL
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE,EATHAMOZHI POLICE STATION,
KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.42531

GJM/GSV/PM/SAR(III)/08.08.20156/3p-6c

ORDER
IN
CRL OP(MD) No.13650 of 2016
Date :08/08/2016