



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

Friday, the Second day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22893 of 2016

M.HAWWA JARINA

... PETITIONER/ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CR. NO. 16 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.G.KARNAN, ADVOCATE

FOR RESPONDENT : Mrs.S.PRABHA, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

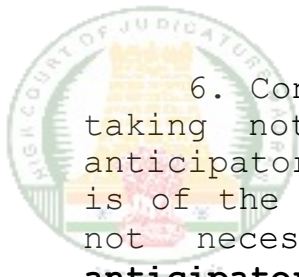
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 294(b) and 506(ii) IPC and Section 4 of D.P.Act and Section 4 of TNPHW Act in Crime No.16 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner along with other accused is alleged to have demanded dowry from the defacto complainant and also caused cruelty on her, which resulted in registration of the case.

4. Learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He would further submit that HMOP filed by the 1st accused is pending.

5. Learned Government Advocate (Crl.Side) submitted that the investigation of the case is pending and that A1 was granted anticipatory bail by this Court in Crl.O.P.(MD) No.21656 of 2016.



6. Considering the facts and circumstances of the case and also taking note of the fact that prime accused has been granted anticipatory bail and also the fact that HMOP is pending, this Court is of the view that custodial interrogation of these petitioner is not necessary. **Therefore, this Court is inclined to grant anticipatory bail to the petitioner.**

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7. Accordingly, the petitioner is ordered to be released on bail in the event of her arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Thiruchendur, subject to the following conditions:**

(i) **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 Magistrate concerned;

(ii) **the petitioner shall report before the respondent police daily at 10.30 a.m. for one weeks and thereafter, as and when required for interrogation;**

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

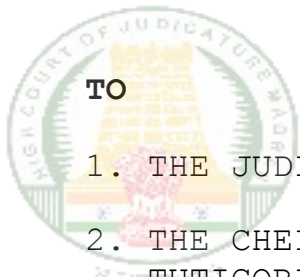
(iv) the petitioner shall not abscond either during investigation or trial.

(v) on breach of any of the aforesaid conditions, the 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 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/-
02/12/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, THIRUCHENDUR.

2. THE CHEIF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.G.KARNAN Advocate SR.No. 78483

ORDER

IN

CRL OP(MD) No.22893 of 2016

Date :02/12/2016

AR

TE/PV/SAR-III : 12/12/2016 : 3P/6C