



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

Monday, the Fourth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9575 of 2016

NEELA

... PETITIONER/ACCUSED No.4

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KANYAKUMARI,
KANYAKUMARI DISTRICT. CR. NO.3/2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S PALANIVELAYUTHAM Advocate

For Respondent : Mr.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.4, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 324 and 506(i) IPC read with Section 4 of Dowry Prohibition Act, in Crime No.3 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 25.05.2014. At the time of marriage, the parents of the de facto complainant gave 20 sovereigns of gold jewels and also a sum of Rs.7,00,000/- as dowry. After marriage, the petitioner and other accused demanded more dowry and threatened the de facto complainant that they will arrange second marriage for A.1 with another lady. 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. She is the relative of A.1 and she has nothing to do with the alleged offence committed by other accused. The petitioner is working as a teacher in Government School. Due to dispute between A.1 and de facto complainant, the defacto complainant left the matrimonial home on 12.08.2014 and subsequently she gave a complaint on 25.10.2014 before All Women Police Station, Ambasamudram and as the police did not take any action, she gave another complaint to the Superintendent of Police.



4.The learned Government Advocate (Criminal side) submitted that the first complaint given by the de facto complainant had already been closed and the complaint given by the de facto complainant to the Superintendent of Police has been registered and investigation is pending.

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5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is a relative of A.1, 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 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/-

04/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE-III
NAGERCOIL, KANYAKUMARI

2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>
AT NAGERCOIL



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

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

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+1. CC to M/S PALANIVELAYUTHAM Advocate SR.No.34945

ORDER

IN

CRL OP(MD) No.9575 of 2016

Date :04/07/2016

smn

SH/SKS-RR/SAR-III:06.07.2016:2P/6C