

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15548 of 2018

JAKKULIN @ JAKKULIN MARY, [PETITIONER / ACCUSED]

Vs

STATE REP. BY, [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.
CR.NO.3 OF 2018.

For Petitioner : M/S.C.T.UDAYAPPAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.3 of 2018 registered by the respondent police for the offence under Sections 448, 384 and Section 4 of Tamil Nadu Prohibition of Women Harassment Act.

2. The case of the prosecution as per the defacto complainant Lathamani is that she got married to one Venkatesh 9 years earlier and they got one male child and due to dispute with her husband, they are living separately. At that time, the petitioner got introduced to the defacto complainant and in the guise of solving the problem between the defacto complainant and her husband, she had taken the child from the defacto complainant and handed over to her husband and had also taken the articles worth about Rs.5,00,000/- from her.

3. The learned counsel for the petitioner would submit that the petitioner is a trustee of Annie Global Trust and that she is also a Social Worker and she attempted to settle the dispute between the defacto complainant and her husband and she has been falsely implicated in this case. He would submit that the defacto complainant was married to one Venkatesh and thereafter, she developed illegal relationship with one Jeeva and there was a dispute between the defacto complainant and her husband and the police duly conducted an enquiry and handed over the child to her husband and thereafter, an enquiry was also conducted before the Child Welfare

Committee and the said Welfare Committee has also given a finding that since the defacto complainant had illicit intimacy with one Jeeva, the custody of the child was handed over to said Venkatesh, while so, a false complaint has been given against the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that as per the case of the prosecution, the petitioner intervened the dispute between the defacto complainant and her husband and had taken away the goods belonging to the defacto complainant and handed it over to her husband and she has also handed over the custody of the child to the husband of the defacto complainant.

5. I have gone through the Typed set filed along with this petition. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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-II, Hosur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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 said Magistrate, on further condition that:-

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police daily at 10.30.a.m for a period of one week and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
18/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.

+1 CC to M/S.C.T.UDAYAPPAN Advocate on payment of necessary charges-Sr.10887

CRL OP.15548/2018

Date :18/06/2018

ths : 22.06.2018