

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15999 of 2018

IN

C.C.No.97 of 2017

[On the file of the learned Judicial Magistrate at Arakkonam]

VASANTHI

[PETITIONER / ACCUSED]

Vs

STATE REP. BY ITS

[RESPONDENT]

THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
ARAKKONAM,
VELLORE DISTRICT.
CR.NO.02 OF 2014

For Petitioner : M/S.D.DAYALAN Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL 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.02 of 2014 registered by the respondent police for the offence punishable under Sections 498-A, 294(b) and 506(i) of IPC and later altered into Sections 498-A, 494, 406, 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961.

2. The occurrence had taken place from 29.04.2009 till December 2013. The case of the prosecution as per the defacto complainant Kalaivani is that the petitioner, who is the sister of the husband of the defacto complainant, along with other accused harassed her and abused her by demanding more dowry.

3. The learned counsel for the petitioner would submit that other than being the sister of the first accused, she has nothing to do with the alleged offence, a false complaint has been given against her.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner is the sister of A1 and that she has been arrayed as A4 in this case. He would submit that the

respondent, after completion of investigation, filed final report before the learned Judicial Magistrate, Arakkonam and the case has been taken up in C.C.No.97 of 2017. He would submit that the learned Judicial Magistrate issued summons to the petitioner for appearance on 05.07.2018.

5. Taking into consideration the facts of the case and also the submission made by the counsel on either side and also taking note of the fact that the other accused have been granted anticipatory bail and that the final report has been filed, I am inclined to grant anticipatory bail to the petitioner with certain 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, Arakkonam, 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled.

(ii) the petitioner shall appear before the Judicial Magistrate, Arakkonam for a period of one week and thereafter, on all the hearing dates unless her absence is condoned by filing a petition under Section 317 of Cr.P.C.

(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 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]**;

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
22/06/2018

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
ARAKKONAM, VELLORE DISTRICT.

+1CC to M/S.D.DAYALAN Advocate on payment of necessary
charges SR NO.11413

CRL OP.15999/2018

Date :22/06/2018

MK:27/06/2018