



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1479 of 2018

MOGINI

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM, MADURAI.
IN CRIME NO. 60/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.MAHESWARAN, Advocate
For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 406 of IPC., in Crime No.60 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein is the mother-in-law of the defacto complainant. The allegation made in the FIR is that due to the demand of more dowry by the defacto complainant's husband and his family members, the defacto complainant left her matrimonial home and lodged a complaint. Hence, the case has been registered against the petitioner and other accused.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this crime. Hence, he pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that already the husband of the defacto complainant filed a petition for anticipatory bail before this Court, in which this Court has granted interim anticipatory bail and referred the matter to the Mediation Centre attached to this Bench for amicable



settlement between the parties. He further submitted that the investigation is in progress.

5. The submissions made by the learned counsel appearing on either side are considered. The petitioner herein is the mother-in-law of the defacto complainant. It is alleged that during the time of occurrence, the petitioner along with other accused demanded more dowry and refused to give the Sridhana properties to the defacto complainant. Earlier the husband of the defacto complainant filed a petition for anticipatory bail before this Court, in which this Court has granted interim anticipatory bail and referred the matter to the Mediation Centre attached to this Bench for amicable settlement between the parties. So, considering the role of this petitioner in the alleged occurrence, custodial interrogation may not be necessary for completing the investigation. Hence, 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 on which the order copy is made ready, before the learned Judicial Magistrate No.I, Additional Mahila Court (JM Level), Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 daily at 10.30 a.m., until further orders;

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

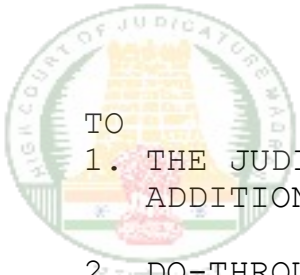
(iii) the petitioner shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-

01/02/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.I,
ADDITIONAL MAHILA COURT (JM LEVEL), MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUMANGALAM, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.1479 of 2018

Date : 01/02/2018

MS/CM-VR/SAR.2/12.02.2018/3P.5C