



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3045 of 2018

ANUSA @ ANUSARANI

... PETITIONER/ACCUSED NO.4

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

ANJUGRAMAM POLICE STATION, KANYAKUMARI DISTRICT.

(CRIME NO.342 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.BRIJESH KISHORE, 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 :-

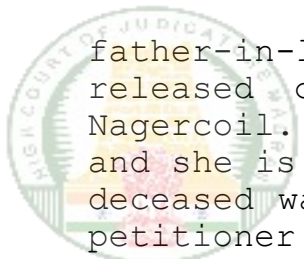
The petitioner, who is arrayed as accused no.4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 304(B) of IPC, in Crime No.342 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are said to have demanded additional dowry from the defacto complainant and also harassed her, due to which, the deceased committed suicide on 19.10.2017. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is not yet completed.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the deceased, who is the in-law of the petitioner, committed suicide, due to the dowry harassment. The said alleged occurrence was happened on 19.10.2017 and on 04.01.2018, after completing the enquiry by the Revenue Divisional Officer, according to the opinion given by the Revenue Divisional Officer, the respondent Police altered the provisions of law for the offence punishable under Section 304(B) of IPC. While so, immediately, after knowing the occurrence, the husband, who is the first accused came to India and attended the enquiry and thereafter, he returned to foreign. While so, the second and third accused, who is the



father-in-law and mother-in-law of the deceased were arrested and released on bail by the learned District and Sessions Judge, Nagercoil. According to the prosecution, the petitioner is in-law and she is residing in some other place, from the place in which the deceased was resided. So, considering the relationship between the petitioner and the deceased, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

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 No.III, Nagercoil, 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 10.00 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 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].

sd/-

27/02/2018

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.B.BRIJESH KISHORE Advocate SR.No.51495

ORDER IN

CRL OP(MD) No.3045 of 2018

Date :27/02/2018