



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

Friday, the Ninth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3715 of 2018

ANNATHAI

... PETITIONER/ACCUSED NO.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI AT PALAYAMKOTTAI.
(CRIME NO. 4/2018).

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.JEYAKUMARAN Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

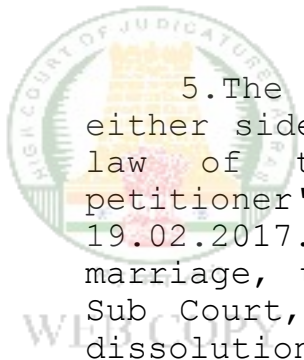
ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 498(A), 506(i) I.P.C., and Section 4 of Dowry Prohibition Act, in Crime No.4 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner's son and the defacto complainant was solemnized on 19.02.2017. After the marriage, the petitioner and her son had demanded more dowry from the defacto complainant. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, she has been falsely implicated, further added that she has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that totally there are four accused in this case. The petitioner herein is arrayed as A2. According to him, investigation is still pending.



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, the marriage between the petitioner's son and the defacto complainant was solemnized on 19.02.2017. Subsequent to that, within eight months from the date of marriage, the petitioner's son had filed an application before the Sub Court, Sankarankovil, in which, he is seeking the relief of dissolution of the marriage. On going through the averments made in the F.I.R., the defacto complainant raised so many allegations against her husband. Now, the petitioner's son is working in the Central Industrial Security Force-ONGC, JORHAT District, Chinnamara, Assam. So, considering the Judgement of Arnesh Kumar Vs State of Bihar and another, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, she 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, Tirunelveli, 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/-
09/03/2018

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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,
TIRUNELVELI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI AT PALAYAMKOTTAI.

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

+1. CC to M/S.J.JEYAKUMARAN, Advocate SR.No.3822.

ORDER

IN

CRL OP(MD) No.3715 of 2018

Date :09/03/2018

SDS/PN/SAR.1/19.03.2018/3P/6C