



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

Thursday, the Twenty Second day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4497 of 2018

KALAIYARASI

... PETITIONER / ACCUSED 5&7

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

(CRIME NO.03 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JOTHIBASU 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/A6, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 494, 406 I.P.C r/w. Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.03 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the first accused in this case and the defacto complainant was solemnized on 16.05.2010. After the marriage, the first accused along with other accused in this case harassed the defacto complainant by demanding more dowry. Further, the defacto complainant's husband had married the one another lady, who is the petitioner herein. 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 in this case, 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 Advocate) appearing for the State submitted that investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the husband of the defacto complainant had married the petitioner herein as second wife, for which, the offences under Sections 494 alone made out against this petitioner. With regard to other offences mentioned in the F.I.R., there is no allegation is levelled against this petitioner. So, considering the facts and circumstances of the case, custodial interrogation of the petitioner may not be necessary for completing the investigation. 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.II, Srivilliputhur, 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/-
22/03/2018

/ TRUE COPY /

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

TO

<https://hservices.eprts.gov.in/hservices/> MAGISTRATE NO.II,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT



2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.M.JOTHIBASU Advocate SR.No.4597

MSA

JAM/03/04/2018/ RR / SAR 4/ 3P-6C

ORDER
IN
CRL OP (MD) No.4497 of 2018
Date :22/03/2018