

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.12824 of 2019

LALITHA,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
AWPS THIRUVALLUR POLICE STATION,
THIRUVALLUR TALUK.
CRIME NO.9 OF 2019.

[RESPONDENT]

For Petitioner : M/S.A.RAGHURAMAN Advocate

For Respondent : M/S.S.T.THANKIRA, 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), 294(b) and 494, of IPC in Crime No.9 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that defacto complainant is the daughter in law of the petitioner(A2). Defacto complainant alleged that the petitioner and her son abused her with filthy language and A1 married another lady without obtaining divorce. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner who is the mother of the Accused No. 1, is a paralytic patient and she was admitted at Sri Narayani hospital and research Center at Vellore and she was discharged from the Hospital and living with the petitioner. The defacto complainant did not accept the living of the petitioner/A2 along with them and there was a quarrel and she left the matrimonial home and given a complaint that the petitioner and her son/ husband of the defacto complainant has demanded a huge sum of money as dowry for settlement of the hospital expenses. She has lodged the complaint after 1 years from the date of occurrence of offence. The allegations was denied by the petitioner

herein stating that she is 61 years old and she is a paralytic patient and she cannot move without the help of others and she is bedridden and still, she is taking treatment.

4. The learned Government Advocate (Criminal Side) would submit that it is a family dispute. Due to which, the petitioner and her son abused her with filthy language. Hence, she vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into account of the petitioner who is a paralytic patient, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate II, Thiruvallur, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

15/05/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS THIRUVALLUR POLICE STATION,
THIRUVALLUR TALUK.

CC to M/S.A.RAGHURAMAN Advocate on payment of necessary charges

CRL OP.12824/2019

Date :15/05/2019

TA-22/05/2019



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