



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

Tuesday, the Eighth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.249 of 2019

NABESHA BEEVI

... PETITIONER / ACCUSED No. 2

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARUPPUKKOTTAI,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 15 OF 2018)

... RESPONDENT

For Petitioner : MR.T.VELU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

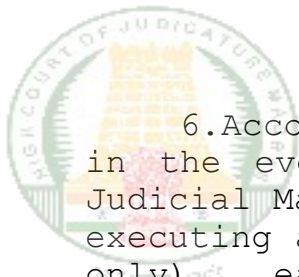
The petitioner/2nd accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 498-A, 307 & 506(i) IPC and Section 4 of the Dowry Prohibition Act in Crime No.15 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and her son/1st accused in this case demanded dowry from the defacto complainant and also assaulted her.

3.The learned counsel for the petitioner submits that the petitioner is innocent and she had nothing with the alleged crime. Hence, anticipatory bail may be granted to her. He further submits that the first accused was already released on bail by this Court vide order made in Crl.O.P.(MD).No.21944 of 2018, dated 12.12.2018.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a matrimonial dispute and investigation is going on.

5.Considering the nature of the dispute and also considering the fact that co-accused has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:-



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District and on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIIVLLIPUTHUR
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.T.VELU Advocate SR.No. 40729

ORDER IN
CRL OP(MD) No.249 of 2019
Date :08/01/2019