



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2941 of 2019

M.MOHAMATHA BANU

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERANUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.1/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.THAMIMUL ANSARI Advocate

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

For Intervenor : MR.P.GANAPATHI SUBRAMANIAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 406, 498(A) and 506(ii) of IPC, in Cr.No.1 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is mother-in-law of the defacto complainant. The marriage of the petitioner and the first accused was solemnised by the elders. Thereafter, a dispute arose between them. The petitioner demanded additional dowry and harassed her.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. The petitioner is willing to take his daughter-in-law defacto complainant and she is working as a sweeper in a hotel and staying there.

4.The learned counsel for the Intervenor submits that the defacto complainant is not interested to join with her husband and his mother-in-law. However, he opposed to grant of anticipatory bail to the petitioner, since the jewels belongs to the defacto complainant worth about 6 ½ soverigns did not return till date.



5.The learned Government Advocate (Crl.Side) appearing for the State would submit that already A1 arrested and released on bail. The petitioner is mother-in-law.

6.Considering the facts and circumstances of this case and considering the fact that already A1 the son of the petitioner was arrested and released on bail, 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, Keeranur, Pudukkottai, 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 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 learned 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 petitioners 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
KEERANUR, PUDUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERANUR POLICE STATION,
PUDUKKOTTAI DISTRICT .

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

ORDER
IN
CRL OP (MD) No.2941 of 2019
Date :28/02/2019

JM/JC/SAR 2/15.03.2019/3P/5C