

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

Thursday, the Fourth day of April Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5157 of 2019

RAJESWARI

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
THALAIYUTHU, TIRUNELVELI DISTRICT.
CRIME NO.149 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.ARUNRAJ, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 498(A) & 506(ii) of I.P.C and 4 of Dowry Prohibition Act, 1961, in Crime No.149 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A4 is the sister-in-law of the defacto complainant. There was a family dispute between the defacto complainant and her husband. Hence, the defacto complainant lodged a complaint against her husband, in-laws and this petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and she is an innocent person. He would further submit that A1 to A3 was already released on bail before this Court in Crl.OP.No.4937 of 2019. Hence he prayed for anticipatory bail for the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that since the co-accused was already released on bail, this Court may consider the bail application of the petitioner.

5.Considering the facts and circumstances of this case and since the co-accused was already released on bail, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the petitioners 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 his photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of his 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 petitioners 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/-

04/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUENLVELI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUENLVELI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
THALAIYUTHU, TIRUNELVELI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.K.ARUNRAJ Advocate SR.No.6211

ORDER IN

CRL OP(MD) No.5157 of 2019

Date : 04/04/2019