



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

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.19494 of 2018

RAJESHWARI

... PETITIONER / ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI DISTRICT.
(IN CRIME NO. 21 of 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.ARUL VADIVEL ALIAS SEKAR Advocate

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

For Intervner : MR.D.SENTHIL, Advocate

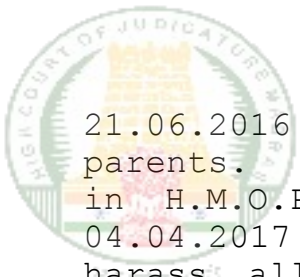
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 498(A) of IPC, in Cr.No.21 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the husband of the defacto complainant along with his family members harassed the defacto complainant by demanding more dowry. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is the mother-in-law of the defacto complainant and she did not commit any offence as alleged by the prosecution. Originally, the marriage was solemnised between the son of the petitioner and the defacto complainant on 07.06.2016 in Thiruchencode. The petitioner's son is working in Singapore. Within a week from the date of marriage, the defacto complainant started quarrel with her husband. Petitioner's son went abroad on



21.06.2016 and the defacto complainant was residing with her parents. Therefore, petitioner's son filed a petition for divorce in H.M.O.P.No.248 of 2017, before the Family Court, madurai on 04.04.2017 and the same is pending. In the meantime in order to harass all the family members of the petitioner, the defacto complainant filed this frivolous complaints under Domestic Violence Act. Moreover, he submits that his son is ready to reunion with the defacto complainant and also ready to reside with her in abroad. He also filed an affidavit before this Court. The relevant paragraphs are reads as follows:

2. "I submit that when the matter came up before the Mediation, it was alleged by the defacto complainant that I ill advised my son and prevented him from taking his wife, the defacto complainant to Singapore.

3. I submit that it is utter false I never gave such advise to my son. In fact my son added the name of the defacto complainant in his passport as spouse. But the defacto complainant was not willing to go abroad with my son. Even now, I am ready to send her to Singapore, if she is ready and willing to go abroad."

4. The learned counsel for the intervenor vehemently opposed the grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the State would submit that it is only matrimonial dispute and there was some family arrangement made.

6. Considering the facts and circumstances of this case and in view of the affidavit filed by the petitioner, 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 Additional Mahila Court, Madurai, 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/-
11/02/2019

/ TRUE COPY /

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

TO

1 THE ADDITIONAL MAHILA JUDGE
MADURAI

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI DISTRICT.

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

+1. CC to Mr.C.ARUL VADIVEL ALIAS SEKAR Advocate SR.No.2809

+1. CC to Mr.D.SENTHIL, Advocate SR.No.2834

ORDER
IN
CRL OP(MD) No.19494 of 2018
Date :11/02/2019

MSI/VR/SAR-III/13.02.2019-3P/6C