

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10080 of 2019

Saraswathy, Petitioner/Accused No.2

Vs

The State of Tamilnadu rep.by
 The Inspector of Police,
 All Women Police Station,
 Marthandam,
 Kanyakumari District.
 (Crime No. 33 of 2018).

.... Respondent/Complainant

For Petitioner : M/s.C.K.M.Appaji,
 Advocate.

For Respondent : Mrs.M.Anantha Devi,
 Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 33 of 2018 on the file of
 the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
 respondent police for the offences punishable under Sections 406 and
 498(A) of IPC and 3(1) and 4 of the Dowry Prohibition Act, 1961, in
 Crime No.33 of 2018, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
 submitted that due to family dispute, a false case has been
 registered against the petitioners. He further submitted that it is
 purely family dispute. He further submitted that the petitioner is
 the sister-in-law of the defacto complainant. He further submitted
 that the petitioner is an innocent and he has been falsely
 implicated in the above case. Hence, he prayed for grant of
 anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that the investigation is still pending and hence, she opposed this petition. However, she fairly conceded that already A1 was arrested and subsequently he was released on bail.

5.In the FIR, the defacto complainant has stated that on 28.10.2015, all the three accused persons came to her parents house and forcibly put abortion tablet in her mouth and compelled her to swallow. Further she has stated that her parents were spectators of the said scene but they have not prevented them from administering the said tablet. Further, in the FIR it is stated that the complaint was filed before the learned judicial Magistrate No.1, Kuzhithurai, on 13.11.2017, I.e., after more than a year, the same has been forwarded to the respondent police under Section 156(3) Cr.P.C. Further, in the FIR it is stated that except few gold jewels, all other gold jewels only in the possession of A1.

6.Taking into Consideration the aforesaid facts and also the fact that already A1 was arrested and subsequently he was released on bail, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

7. Accordingly, 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-I, Kuzhithurai, Kanyakumari District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i)If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv)the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
25/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
KUZHITHURAI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.C.K.M.APPAJI Advocate SR.No.12310

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ORDER
IN

CRL OP(MD) No.10080 of 2019
Date :25/07/2019

KM/JC/SAR-II (01.08.2019) 3P 6C