



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.3962 of 2020

Mini

... Petitioner/Accused - 2

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
(Crime No.5/2020)

... Respondent/Complainant

For Petitioner : Mr.L.Shaji Chellan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in crime No.5/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 406, 498(A) and 506(i) of I.P.C. r/w Sections 3(1), 4 and 6 of Dowry Prohibition Act, in Crime No.5 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The petitioner herein is the mother-in-law of the de-facto complainant. The allegation is found in the complaint is used filthy language, harassing, intimidation and misappropriation of the property with the de-facto complainant.

3.The petitioner submits that her son loved the de-facto complainant and married her on his own on 19.09.2016. Since there is some matrimonial discord between the husband and wife to wreck



entire family members of harassing with false allegation. The specific contention of the petitioner is that after the inter-cast marriage, he has nothing to do with her son and his family.

4. Taking note of the fact that the petitioner is the mother-in-law of the de-facto complainant and the marriage took place in the year 2016, the petitioner and the de-facto complainant are not living under same roof. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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 Judicial Magistrate No.I, Kuzhithurai, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the 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 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]***; and;

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

sd/-

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



Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

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.L.SHAJI CHELLAN, Advocate (SR-4688[I] dated 03/03/2020
)

ORDER

IN

CRL OP(MD) No.3962 of 2020

Date :03/03/2020

MS/PN/SAR-3/09.03.2020/3P.6C