



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/09/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9059 of 2020

M.SUSMITHA

... PETITIONER/ACCUSED NO.6

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
USILAMPATTI MADURAI DISTRICT
(CRIME NO. 11/2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.A.S.Vaigunth, 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. 11/2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-6 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406, 294(b) and 506(i) of I.P.C., in Crime No.11 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is arrayed as A-6 and the defacto complainant is the first wife of A-1 and their marriage took place in the year 2014 and due to some matrimonial dispute a petition has been filed by A-1 for divorce. At that time, compromise was made between the parties and A-1 has also agreed to pay some amount and thereafter, failed to pay the amount and also criminally intimidated the defacto complainant. Sofar as this petitioner is concerned the allegation is that in the year 2019, A-1 has married to the petitioner and the first marriage is in subsistence and hence, the petitioner was also impleaded as accused.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the



4. The learned counsel appearing for the petitioner submitted that the petitioner is a Engineering graduate and she has been falsely implicated in this case and that apart, there is no specific allegation as against the petitioner. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police opposed to grant anticipatory bail to the petitioner.

6. Considering the fact and circumstances it is only a allegation that A-1 has got married the petitioner, no material available for that and the other co-accused were already enlarged on bail and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.I, Usilampatti, and on her executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/09/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
USILAMPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9059 of 2020
Date :02/09/2020

KSA
JM/VR/SAR II/21.09.2020/3P/5C