



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/10/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.11414 of 2020

Kaliyammal

.. Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Aranthangi, Pudukkottai District.
(Crime No.13 of 2020).

... Respondent/Complainant

For Petitioner : M/s.K.Baalasundharam,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.13 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner is the apprehending arrest at the hands of the respondent police for the offences punishable under sections 294 (b), 323, 498 (A), 506 (ii) of IPC r/w Section 4 of Dowry Prohibition Act, 1961 and Section 4 of Prohibition of Harassment of Women Act, 2002, in Crime No.13 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner/mother-in-law demanded more dowry from the defacto complainant and the same was refused by her, the petitioners along with other accused persons assaulted the defacto complainant and criminally intimidated her. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the the petitioner is the mother-in-law of the defacto complainant. He further submitted that she is an innocent person and she has been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioner.

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5.The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioner is arrayed as A2. The petitioner along with other accused persons demanded more dowry from the defacto complainant and the same was refused by her, the petitioner and the other accused persons assaulted the defacto complainant and criminally intimidated her. Hence, he opposed to grant anticipatory bail to the petitioner.

6.Considering the fact and circumstances of the case and considering the fact that the petitioner is only in law of the defacto complainant, 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aranthangi, Pudukottai 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:

(a)the petitioner and the sureties shall affix his 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 his identity;

(b)the petitioner shall report before the respondent police as on 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/10/2020

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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.

TO

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

ORDER
IN
CRL OP(MD) No.11414 of 2020
Date :15/10/2020

DSS
AE/AKM/SAR-III (28.10.2020) 3P 5C