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

Date : 15/10/2020

PRESENT

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

**CRL OP(MD) . No.11451 of 2020**

Subbulakshmi

... Petitioner/Accused No.2

Vs

State Rep.by  
The Inspector of Police,  
All Women Police Station,  
Tirunelveli District  
Crime No.4/2020.

... Respondent/Complainant

For Petitioner : M/s.M.Murugesan,  
Advocate.

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

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

PRAYER :-

For an Anticipatory Bail in Crime No.4 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 498 (A), 406, 506 (ii) of IPC and Section 4 of Dowry Prohibition Act, 1961, 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/sister-in-law along with other accused persons demanded more dowry from the defacto complainant and the same was refused by her, the petitioner 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

<https://hcservices.ecourts.gov.in/hcservices/>



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 sister-in-law of the defacto complainant and she also live separately with her husband. He further submitted that she is an innocent person and she has been falsely implicated in this case. He further submitted that already A1 & A3 were granted an anticipatory bail by this Court. Hence, he seeks anticipatory bail to the petitioner.

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. However, she conceded that already A1 & A3 were granted an anticipatory bail by this Court.

6.Considering the fact and circumstances of the case and considering the fact that the petitioner is only sister-in-law of the defacto complainant and also considering the fact that A1 & A3 were already granted an anticipatory bail, 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 Court No.III, Tirunelveli, 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 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

<https://hccivildocket.in.gov.in/Kcse/Case/11451> 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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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 NO.III, TIRUNELVELI.
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.11451 of 2020  
Date :15/10/2020

DSS  
AE/SMA/SAR-II (22.10.2020) 3P 5C