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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/10/2020

PRESENT

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

CRL OP(MD). No.11877 of 2020

Kanchana

... Petitioner/Accused No.4

Vs

State Represented by,
The Inspector of Police,
All Women Police Station,
Virudhunagar District.
(Crime No.1 of 2017).

... 1st Respondent/Complainant

For Petitioner : M/s.A.Banumathy,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 1 of 2017 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A-4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406, 506(i) of IPC and Section 4 of Dowry Prohibition Act, 2002, in Crime No.1 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein is sister-in-law of the defacto complainant and due to matrimonial dispute between the parties, the petitioner along with other accused prsons said to have demanded more dowry from the defacto complainant and harassed her. Hence, the complaint.



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

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4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is lived in Madurai with her family and she has been falsely implicated in this case. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that matrimonial dispute is pending between the parties.

6. Considering the fact and circumstances of the case and considering the fact that HMOP proceeding is pending between the parties and the petitioner herein is sister-in-law of the defacto complainant and she lived separately with her family in Madurai, 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 her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, and on his executing 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 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 appear 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.R. 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.

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sd/-
29/10/2020

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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.II, VIRUDHUNAGAR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11877 of 2020
Date :29/10/2020

KSA
TE/SMA/SAR-IV : 03/11/2020 : 3P/5C