

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3482 of 2021

SUMATHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
W-8, ALL WOMEN POLICE STATION,
THIRUMANGALAM, CHENNAI
(CR.NO.03/2021)

For Petitioner : M/S N.VIJAYA BASKAR Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 406, 420, 506(i) of I.P.C and Section 67(A) of the Information Technology Act, 2000 in Cr.No.03 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused and the defacto complainant are lovers during the college days and they performed marriage without informing their parents. Thereafter, the defacto complainant made a complaint against the first accused and the petitioner that they are demanding dowry from her. Hence, the present petition has been filed.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The petitioner did not know about the marriage between the first accused and the defacto complaint and without the knowledge of the petitioner, the marriage was performed. Hence, she has been falsely implicated in the case. Accordingly, he prayed for anticipatory bail.

4.The learned Additional Public Prosecutor did not dispute the fact that the petitioner was subsequently implicated in this case. He also submitted that the petitioner is the mother of the first accused and she had no knowledge about the marriage between the first accused and the defacto complainant.

5.Considering the fact that the petitioner was subsequently implicated in this case, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 learned Additional Mahila Court, Egmore, Chennai, 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 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 Court concerned 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;

(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/-

08/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA COURT,
EGMORE, CHENNAI

2 THE INSPECTOR OF POLICE,
W-8, ALL WOMEN POLICE STATION,
THIRUMANGALAM, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S LAW VISION Advocate on payment of necessary charges
SR.4590

CRL OP.3482/2021

Date :08/04/2021

RVR 20/04/2021