

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.7886 of 2021

M.KALPANA

[PETITIONER / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI,
THIRUVALLUR DISTRICT.
CRIME NO.7 OF 2021.

For Petitioner : M/S.K.DILLI BABU Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN Govt. Advocate (Crl. Side)

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 offences under Section 498(A), 323, 494, 506(ii) of IPC and Section 3 & 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.7 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons, who are in-laws and husband of the de-facto complainant committed cruelty against the de-facto complainant demanding dowry and attacked her and also criminally intimidated her. Hence, the case came to be registered.

3.The learned counsel appearing for the petitioner would submit that she did not commit any offence as alleged by the prosecution and she has have been falsely implicated in this case. He would further submit that the similarly placed co-accused/A2 has been granted anticipatory bail by this Court in Crl.O.P No.7868 of 021 dated 26.04.2021. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that there are totally three accused in this case and the petitioner is A3. He would further submit that A1 was arrested and A2 was granted anticipatory bail by this Court. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also the similarly placed co-accused was released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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 Judicial Magistrate No.II, Ponneri, 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 daily 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

27/04/2021

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 JUDICIAL MAGISTRATE NO.II,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

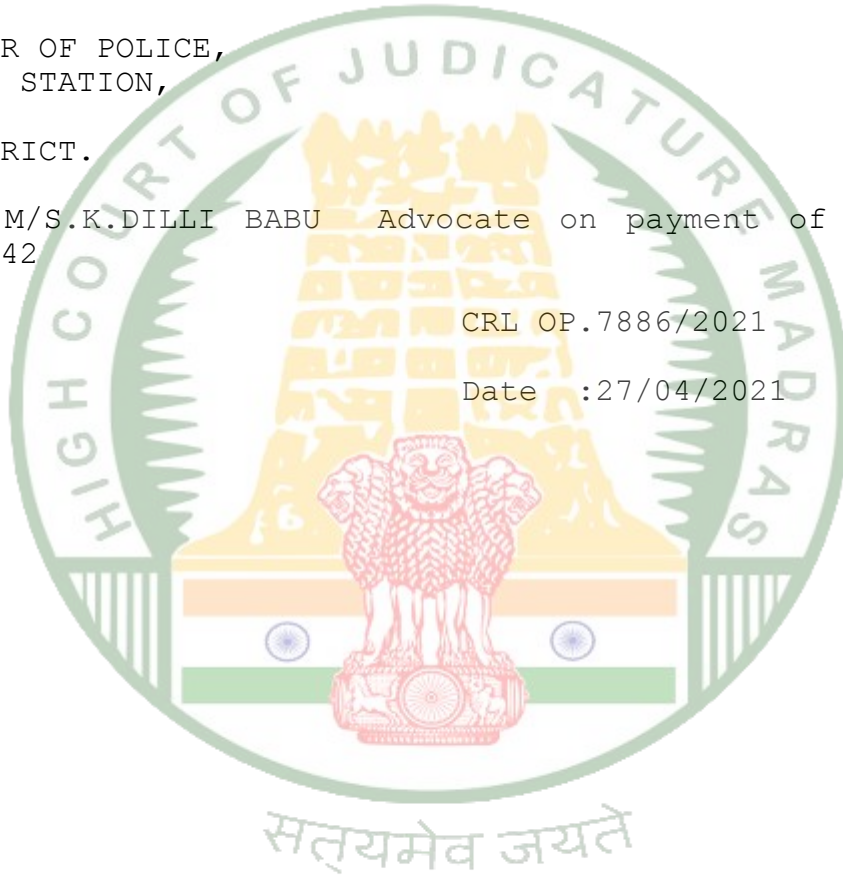
4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI,
THIRUVALLUR DISTRICT.

+1CC to M/S.K.DILLI BABU Advocate on payment of necessary
charges SR NO.5342

CRL OP.7886/2021

Date :27/04/2021

MK:30/04/2021



WEB COPY