

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.8190 of 2021

UMA MAGESHWARI @ UMA

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
AWPS TIRUPPUR SOUTH,
TIRUPPUR CITY.
CRIME NO. 6 OF 2021.

For Petitioner : M/S. S.RAMACHANDRAN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government 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), 406 and 494 of IPC, in Crime No.6 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the de-facto complainant and A1 took place on 27.08.2017. After the marriage, A1 and his family demanded dowry and continuously tortured the de-facto complainant and she left the matrimonial house. In the meanwhile on 27.05.2018, the de-facto complainant delivered a female child and thereafter, A1 deserted her wife and remarried the petitioner when the earlier marriage was in subsistence. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution

and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that A1 is the husband of the de-facto complainant and A1 and his family members demanded dowry and continuously tortured the de-facto complainant. It is alleged that A1 got second marriage with the petitioner while the earlier marriage was in subsistence. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also the submissions made by the learned counsel, 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 Additional Mahila Court (Magistrate Level) Tiruppur, 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/-
30/04/2021

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,
(MAGISTRATE LEVEL), TIRUPPUR.

2 THE INSPECTOR OF POLICE,
AWPS TIRUPPUR SOUTH,
TIRUPPUR CITY.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.RAMACHANDRAN Advocate on payment of necessary charges SR.NO. 5630

सत्यमेव जयते CRL OP.8190/2021

Date :30/04/2021

WEB COPY

MN-17/05/2021