

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

CrI.O.P.No.10013 of 2021

Lakshmidhevi

...Petitioner

Vs.

State

... Respondent

Rep by Inspector of Police,
Mailam Police Station,
Villupuram District.
Crime No.335/2021.

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest in the criminal case in Crime No.335 of 2021, on the file of the Respondent Police for the offence alleged to have been committed under Sections 294(b), 506(2), 306 of Indian Penal Code r/w Section 4 B (1) of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

For Petitioner : Mr.D.Ravichander

For Respondent : Mr.A.Gopinath,
Government Advocate (CrI.Side)

ORDER

(The case has been heard through video conference)

Captioned Criminal OP has been filed by the petitioner seeking anticipatory bail under Section 438 of 'The Code of Criminal Procedure, 1973' ['Cr.P.C' for the sake of brevity] as he apprehending arrest for alleged offences/alleged offences punishable under Sections 294(b), 506(ii), 306 of 'Indian Penal Code, 1860' ('IPC' for the sake of brevity) read with Section 4 B (1) of Tamil Nadu Prohibition of Harassment of Women Act, 2002 vide Crime No.335 of 2021 on the file of Mailam Police Station, Villupuram District.

2. Matrimonial discord/disharmony and resultant displeasure qua in-laws is the central theme of the allegation in this case.

3. The case is Crime No.335 of 2021 on the file of Mailam Police Station, Villupuram District. This Court is informed that there are 5 accused in all and lone petitioner in captioned Criminal OP is first accused (A1). The defacto complainant is A1's daughter-in-law one Dhevadhevi. The other accused are her spouse and in-laws.

4. Mr.D.Ravichander, learned Counsel for petitioner points out that the petitioner is a 65 year old woman and A2 to A5 have already been given the relief of anticipatory bail vide order dated 30.04.2021 in CrI.O.P.No.8263 of 2021 by another Hon'ble Single Judge of this Court.

5. Learned State Counsel submits that there is no disputation regarding A2 to A5 being granted anticipatory bail. There is nothing before this Court to demonstrate that A1 stands on a different footing.

6. Therefore, this Court is inclined to accede to the prayer for anticipatory bail for petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the **learned Judicial Magistrate - II, Tindivanam**, 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 jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may demand production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

(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/es either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) if there is 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 itself as per **P.K.Shaji** principle being law laid down by Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**;

(f) though obvious it is made clear that if the accused/petitioner herein thereafter absconds, consequences ingrained in Section 229-A of Indian Penal Code, 1860 will follow wherever applicable.

-sd/-

08/06/2021

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, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MAILAM POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.D.RAVICHANDER Advocate on payment of necessary charges SR.NO.6402

CRL OP.10013/2021

Date :08/06/2021

सत्यमेव जयते

TA-30/06/2021

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