



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23886 of 2021

Kavitha

... Petitioner/A3

Vs.

State Rep. By  
The Inspector of Police,  
All Women Police Station,  
Katpadi, Vellore District.  
Crime No.598 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of her arrest in Crime No.598 of 2021 on the file of the respondent.

For Petitioner : Mr.D.A.Sugumar

For Respondent : Mr.N.S.Suganthan  
Government Advocate(Crl.Side)

#### O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498-A, 323 and 355 of IPC, in Crime No.598 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the sister in law of the defacto complainant. The petitioner and her family members harassed and demanded dowry from the defacto complainant and not allowed the defacto complainant to reside in the house at Thiruvalluvar Nagar, Katpadi. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has no way connected with the defacto complainant and her brother/A1. She is living separately with her husband and does not cause any interference to the defacto complainant and also filed an affidavit, in this regard in which she has stated that " I assure that I will not interfere their family affair or causing any trouble to their life as alleged by the defacto complainant. I do not have any objection to reside in the house at Katpadi, Vellore, which belongs to all." Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to matrimonial dispute the petitioner along with her brother / A1 harassed and demanded dowry from the defacto complainant and also caused disturbance to her to live in matrimonial home. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. At the time of arguments, the defacto complainant / wife of A1 appeared before this Court and submitted that the petitioner and her brother in law/A2 caused disturbance to reside in the house of mother in law i.e. matrimonial home.

6. By way of reply, the learned counsel appearing for the petitioner submitted that the petitioner has no objection for the defacto complainant to reside in the house at "14/A, Bharathi Street, Thiruvallur Nagar, Katpadi, Vellore" and also filed an affidavit in this regard.

7. Considering the facts and circumstances, and that the petitioner has filed an affidavit, in which, she has assure that she will not cause any interference to the enjoyment of the defacto complainant for living along with her children in the house at Thiruvallur Nagar, Katpadi, Vellore. If she causes any disturbance, the bail order shall stand cancelled. The alleged house is still under lock and without any help from her husband she is staying in her sister's house. The defacto complainant is permitted to open the house at Katpadi, with the help of respondent police and live in.

8. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance before the learned Judicial Magistrate, Katpadi, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 is directed to report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with the 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 was released on bail by the learned Magistrate/Trial Court as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

17/12/2021

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,  
KATPADI

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
KATPADI, VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 DO THRO  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
KATPADI, VELLORE DISTRICT  
(DEFACTO COMPLAINANT ON PROPER ACKNOWLEDGEMENT)

CC to D.A.SUGUMAR Advocate on payment of necessary charges  
Sr.15139

CRL OP.23886/2021

Date :17/12/2021

RVR 23/12/2021