



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/01/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.841 of 2021

Parameshwari

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
(Crime No.22 of 2020).

... Respondent/Complainant

For Petitioner : Mr.Thirumurugan.G,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

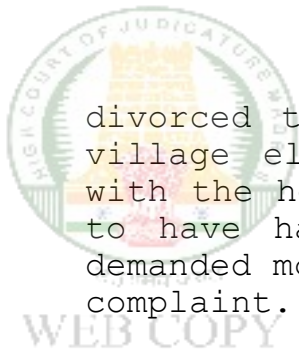
PRAYER :-

For Anticipatory bail in Crime no.22 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 417, 498(A), 294(b), 323 and 506(i) of IPC, 1860, in Crime No.22 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant got married with one Saravanan. Out of their wedlock, they were blessed with one female child. Thereafter, the defacto complainant's husband went abroad for work. At that time, the defacto complainant was having illegal relationship with A1, due to which, she got pregnant. On 05.02.2020, she has delivered one female child. When the same was known to the defacto complainant's husband, he had



divorced the defacto complainant with mutual consent before their village elders. Thereafter, the defacto complainant led her life with the help of A1. On the instigation of the petitioner, A1 said to have harassed the defacto complainant and her child and also demanded more dowry from the defacto complainant. Hence, the present complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case and she has not committed any offence as alleged by the prosecution. He further submitted even according to the FIR, A1 said to have harassed the defacto complainant. He further submitted that the petitioner has taken steps to join the defacto complainant with A1. He further submitted that A1 was granted anticipatory bail by the Additional Mahila Court, Ramanathapuram, in Cr.M.P.No.754 of 2020. Hence, he prayed for grant of anticipatory bail to the petitioner.

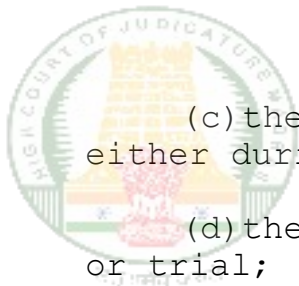
5. The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that only on the instigation of the petitioner, A1 said to have harassed the defacto complainant and also demanded additional dowry from her.

6. Considering the above facts and circumstances of the case and also considering the fact that except instigation, there is no other allegation as against the petitioner and A1 was granted anticipatory bail by the lower Court, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Additional Mahila Court, Ramanathapuram, 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 to 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 Magistrate 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 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDGE,
ADDITIONAL MAHILA COURT,
RAMANATHAPURAM.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1.CC to Mr.G.THIRUMURUGAN,Advocate (SR.No.2266[F] dated 27/01/2021)

ORDER IN

CRL OP(MD) No.841 of 2021

Date :22/01/2021

VSG

<https://hccs.jctm/sdcr/In/Case/02.2021/3P/5C>