



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1738 of 2021

1. Leela
2. Lalini
3. Shailini @ Shylini ... Petitioners/Accused No.2 to 4

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
Crime No.09/2021. ... Respondent/Complainant

For Petitioners: Mr.M.R.Sreenivasan, Advocate.
For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory bail in Cr.No. 09 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.2 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A) and 406 of IPC and Sections 4 and 6 of Dowry Prohibition Act, 1961, in Crime No.9 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 is the husband of the defacto complainant and the first petitioner is the mother-in-law and the petitioners 2 and 3 are the sister-in-laws of the defacto complainant. The marriage between the first accused and the defacto complainant had taken place on 01.06.2012. After the marriage, both of them went to Abroad. Out of their wedlock, they were blessed with two children. Thereafter, they came to India and living with joint family. At that time, the petitioners and A1 said to have abused the defacto complainant by using filthy language and also harassed her and demanded more dowry from the defacto complainant. Hence, the present complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

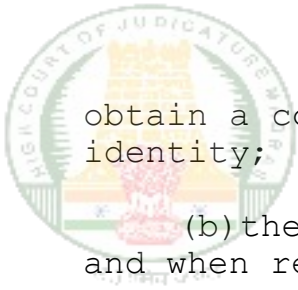
4. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the first accused and the defacto complainant are husband and wife. Both of them were living as joint family with the first petitioner. The defacto complainant objected the first accused for helping his parents and thereafter, she was also not happily living with the joint family. Thereafter, the defacto complainant left the matrimonial home and has filed a divorce petition in IDOP No.33 of 2020 on the file of the Additional District Court, Padmanabhapuram. Thereafter, the first accused has filed a petition in IDOP.No.138 of 2020 seeking for restitution of conjugal rights before the Additional District Court, Padmanabhapuram and both the cases were transferred to the Family Court, Nagercoil and same are still pending. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the marriage between the first accused and the defacto complainant had taken place on 01.06.2012. After the marriage, both of them went to Abroad. Out of their wedlock, they were blessed with two children. Thereafter, they came to India and living with the joint family. At that time, the petitioners and A1 said to have abused the defacto complainant by using filthy language and also harassed her and demanded more dowry from the defacto complainant.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioners 2 and 3 are sister-in-laws of the defacto complainant and they were living separately with their respective family members and the first petitioner is the mother of the first accused and there is no other serious allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Padmanabhapuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners and the sureties shall affix their photographs and impressions 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 petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/02/2021

/ TRUE COPY /

/ /2021
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 JUDICIAL MAGISTRATE NO.II, PADMANABHAPURAM.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.M.R.SREENIVASAN, Advocate (SR-929[I] dated 11/02/2021)
ORDER IN

CRL OP(MD) No.1738 of 2021
Date :11/02/2021

VSG