



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

Date : 10/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2040 of 2021

P.Divya

... Petitioner/Accused No.5

Vs

State through,
The Inspector of Police,
All Women Police Station,
Sivagangai
Crime No.3 of 2021.

... Respondent/Complainant

For Petitioner : Mrs.M.Kirithiga,
Advocate.

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

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

PRAYER :-

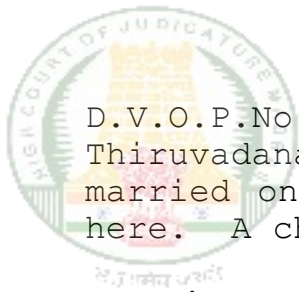
For Anticipatory Bail in Crime No.3 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 506(i), 406, 494 and 109 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.3 of 2021 on the file of the respondent police, seeks anticipatory bail.

3.It is seen from the First Information Report that the marriage between A1 and the defacto complainant was solemnized on 25.10.2015. During the marriage, 12 sovereigns of gold and the articles value of Rs.1,00,000/- were given as seethana. After the marriage, the defacto complainant's in-laws had retained 10 sovereigns of jewels and further demanded additional dowry and also threatened defacto complainant stating that if she fails to bring additional dowry, she would be killed. Therefore, the defacto complainant left the matrimonial home. The defacto complainant filed



D.V.O.P.No.5 of 2016 before the learned Judicial Magistrate, Thiruvadanai. The defacto complainant also came to know that Al married one Divya in a temple at Sivagangai and he is living with here. A child was born through the said marriage.

4.On perusal of the averments, it is seen that the allegations against the petitioner are based on suspicion. Hence, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of two weeks from the date of receipt of a copy of this order before the learned Additional Mahila Court, Sivagangai District, and on her executing 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/02/2021

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

+1. CC to Mrs.M.KIRITHIGA, Advocate SR.No.951

ORDER
IN
CRL OP(MD) No.2040 of 2021
Date :10/02/2021

ias
PK/PN/SAR-IV/15.02.2021 : 3P/5C