



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3013 of 2021

B.Sivakami

... Petitioner/Accused No.6/Accused No.6

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City,
Madurai..

... Respondent/Complainant/Complainant

For Petitioner : M/s.Gokulraj.S.,
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.31 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.6, who apprehend arrest for the alleged offences under Sections 498(A), 406 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in C.C.No.553 of 2020, on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, seek anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute, there was a wordy quarrel between the petitioner and the defacto complainant, in which, the petitioner and others said to have abused the defacto complainant by using filthy language and also threatened her with dire consequences and demanded additional compensation. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that due to matrimonial dispute, the occurrence said to have taken place.

6. The only allegation against the petitioner is that the petitioner is the second wife of A-1. According to the de-facto complainant, it is seen that the petitioner had earlier married A-1 in this case and since they had no child, the second marriage had been solemnized due to the difference of opinion between A-1 and the de-facto complainant and this petitioner has also been arrayed as accused. Other than that being the wife of A-1 and there is no other allegation against the petitioner in demand of dowry or retaining of dowry articles.

7. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 learned Judicial Magistrate, Additional Mahila Court, Madurai, 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/03/2021

/ 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,
ADDITIONAL MAHILA COURT,
MADURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THALLAKULAM, MADURAI CITY, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.GOKULRAJ Advocate SR.No.1931

ORDER
IN
CRL OP(MD) No.3013 of 2021
Date : 08/03/2021