



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

Date : 11/06/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.3683 of 2021

A.Rathinabai

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Colachel, Kanyakumari District.
Crime No.not known of 2021.

... Respondent/Complainant

For Petitioner : Mr.D.Selvin Jeyakumaran,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

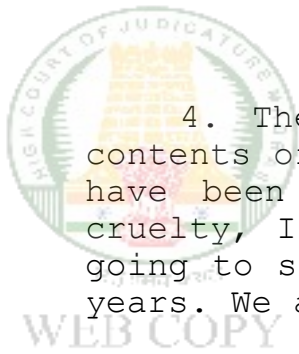
PRAYER :- For Anticipatory Bail in Crime No.not known of 2021 on the file of the Respondent Police.

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) of I.P.C. r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.not known of 2021 on the file of the respondent police, seeks anticipatory bail.

3. The petitioner's son is figuring as the first accused. The defacto complainant is the petitioner's daughter-in-law. It is stated that the petitioner's son had already filed I.D.O.P.189 of 2020 for dissolving the marriage and that the case is still pending before the Principal District Court, Kanyakumari District at Nagercoil. It is stated that the present First Information Report has been registered as a counter blast. If the petitioner's son has moved this Court for the relief of anticipatory bail, this Court can put him on certain terms. It is only the petitioner who is before this Court.



4. The petitioner is the second accused. I went through the contents of the First Information Report. Though serious allegations have been made regarding the demand of dowry and commission of cruelty, I am of the view that the arrest of the petitioner is not going to serve any purpose. The petitioner is a woman aged about 63 years. We are now in pandemic times.

5. Taking note of these aspects, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.I, Nagercoil and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioner shall report before the respondent police as and when required for interrogation;

[c]the petitioner shall not abscond either during investigation or trial;

[d]the petitioner shall not tamper with evidence or witness 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/06/2021

/ 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.

WEB COPY

- TO
- 1.THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.
 - 2.-DO-THRO'THE CHIEF JUIDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3683 of 2021
Date :11/06/2021

PMU
AE/PN/SAR-II/16.06.2021/3P/5C