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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/04/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4909 of 2021

S.Mensila

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Thoothukudi District.
Cr No. 11/2021.

... Respondent/Complainant

For Petitioner : Mr.Kishok Kumar.V.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. 11 of 2021 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 498(A), 406, 312 and 506(i) of IPC, in Crime No.11 of 2021
on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
had married the petitioner's son vis., Arunkumar. After the
marriage, the petitioner and her son were said to have abused the
defacto complainant by using filthy language and harassed her and
demanded additional dowry from the defacto complainant. 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 has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

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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.On perusal of the materials available on records, it is seen that the marriage between the defacto complainant and the petitioner's son had taken place on 19.02.2020. At the time of marriage, the parents of the defacto complainant have given sufficient dowry. Thereafter, they are living happily. The only objection was that the defacto complainant was usual in taking tablets routinely twice a day on the pretext of nutrition tablets and the defacto complainant was suffering from epilepsy, which was not informed to the petitioner. Later it was known to the petitioner. It is also seen the petitioner is also taking steps to resolve the issue.

7.Considering the facts and circumstances of the case and also considering the fact that except dowry demand, there is no serious allegation against the petitioner, 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 Judicial Magistrate Court No.4, Tuticorin, 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
01.04.2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

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 COURT NO.4,
TUTICORIN.

2.-DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to Mr.V.S.KISHOK KUMAR, Advocate (SR-2909[I] dated
01/04/2021)

ORDER
IN
CRL OP(MD) No.4909 of 2021
Date : 01/04/2021

VB/SMA/SAR-IV (16/04/2021) 3P / 6C