



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5256 of 2021

1. Valli

2. Nithya

... Petitioners/Accused Nos.2 & 3

Vs

The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
Cr.No. 12 of 2021.

... Respondent/Complainant

For Petitioners: Mr.Gunasekaran C,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.2 and 3, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b) and 406 of IPC, in Crime No.12 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are only in-laws of the defacto complainant. He further submitted that A1 was arrested and released on bail by the lower Court. Hence, he prayed for grant of anticipatory bail to the petitioners.



3.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that it is a matrimonial dispute.

4.It is seen from the submission made that the first petitioner is the mother and the second petitioner is the sister of the first accused, who is the husband of the defacto complainant. The allegations against the petitioners are that they got jewels of the defacto complainant worth about Rs.5 lakhs for construction of house and further demanded additional dowry from the defacto complainant.

5.Considering the facts and circumstances of the case and the fact that it is a matrimonial dispute and also the fact that the petitioners are only mother and sister of the first accused and A1 was arrested and released on bail by the lower Court, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Melur, Madurai District, within a period of fifteen days from the date of receipt of a copy of this order, on their executing 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 said Magistrate and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter 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]**.

[f] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

15.04.2021

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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,
MELUR, MADURAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MELUR,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.GUNASEKARAN, Advocate (SR-3161[I] dated 17/04/2021)
ORDER
IN
CRL OP(MD) No.5256 of 2021

Date : 15/04/2021

VB/PN/SAR-I (21/04/2021) 3P / 6c