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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5519 of 2021

Devi Selvi @ Sahana

... Petitioners/Accused No.2

Vs

The Inspector of Police,
All Women Police Station, Melur,
Madurai District
Crime No.15 of 2020.

... Respondent

For Petitioner : M/s.Anand.C.,
Advocate.

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

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

PRAYER :-

To Anticipatory Bail in Cr.No.15 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections sections 498(A), 406, 417, 494, 294(b), 506(i) and 109 I.P.C., in Crime No.15 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute the petitioner herein and other accused said to have demanded dowry and harassed the defacto complainant. Thereafter, the defacto complainant was driven out from the matrimonial home. Hence, the case has been registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there are totally there are nine



accused in this case and the petitioner herein arrayed as A2. He would further submit that co-accused in this case were already granted anticipatory bail by this Court in CrI.O.P.(MD)No.13133 of 2020, dated 20.11.2020 and in CrI.O.P.(MD)No.15771 of 2020, dated 05.03.2021 and investigation in this case is completed.

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5. Heard the learned counsel for the petitioner and the learned Government Advocate (criminal side) for the respondent.

6. It is seen from the submissions made that the marriage between the defacto complainant and the first accused was solemnized on 06.07.2017 and thereafter, there was a dispute with regard to the demand of dowry and harassment. It is submitted by the learned counsel for the petitioner that the first accused and other co-accused in this case were already granted anticipatory bail by this Court in CrI.O.P.(MD)No.13133 of 2020, dated 20.11.2020 and in CrI.O.P.(MD)No.15771 of 2020, dated 05.03.2021 and the investigation in this case is completed and the charge sheet has been filed. Considering the fact that the investigation is completed and the co-accused has been released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, 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 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 being a lady shall report before 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]**.



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

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sd/-
19.04.2021

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/ /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, MELUR, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MELUR,
MADURAI DISTRICT CRIME NO.15 OF 2020.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5519 of 2021
Date : 19/04/2021

VB/PN/SAR-IV (23/04/2021) 3P / 5c