



WEB COPY

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

Date : 30/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD).No.6030 of 2021

1. Latha
2. Krishnammal ... Petitioners/Accused 3 & 8

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District ,
Cr No. 13/2021. ... Respondent/Complainant

For Petitioners: Mr.Christenson Jugunu.D.,
Advocate.

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

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

PRAYER :-

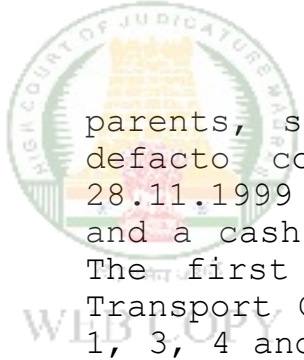
For Anticipatory bail in Crime No 13/2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 498(A), 406, 506(ii) of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.13 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3.It is seen from the submissions made that the defacto complainant has given a complaint against the accused, the first accused being her husband, other accused being her husband's



parents, sisters and sister's husband. The marriage between the defacto complainant and the first accused was taken place on 28.11.1999 and she was provided with 40 sovereigns of gold jewels and a cash of Rs.40,000/- and a girl child was born on 13.07.2008. The first accused was working as Diesel Mechanic in TamilNadu Transport Corporation in Nagercoil. In the year 2015, the accused 1, 3, 4 and 5 got the defacto complainant's jewels and bought a land in the name of the first accused. Subsequently, the defacto complainant applied housing loan in LIC and Society to the tune of Rs.43,00,000/-. After constructing the building, the first accused was not paying the housing loan. He developed illicit intimacy with the second accused. When the defacto complainant questioned the illegal intimacy, she was abused, ill-treated, physically assaulted and criminally intimidated. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case. He would further submit that the petitioners are sister and mother of the first accused and that they have no role in the offences alleged against the first accused.

5.The learned Government Advocate (criminal side), on instructions, submits that the investigation is pending.

6.Taking note of the fact that the main allegations are made against the first accused in this case and that the petitioners are sister and mother of the first accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their 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, Nagercoil, Kanyakumari District, and 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 learned Magistrate concerned and on further conditions that:

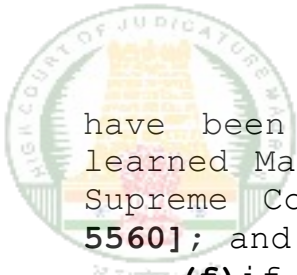
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

(b) the petitioners shall report before the respondent police, as and when required;

(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]**; and

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
30/04/2021

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

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

ORDER
IN
CRL OP(MD) No.6030 of 2021
Date : 30/04/2021

VB AKM SAR IV(20/05/2021) 3P / 5c