



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

Date : 18.08.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11308 of 2021

Ummal Salma

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thiruvadanai All Women Police Station,
Ramanathapuram District.
(Crime No.4 of 2021).

... Respondent/Complainant

For Petitioner : Mr.S.PRABHA, Advocate
for Mr.D.RAMESHKUMAR, Advocate
For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2021 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 498A, 294(b), 323 and 307 of IPC altered to Section 363 of IPC in Crime No.4 of 2021, seeks anticipatory bail.

2.The first accused is the husband of the defacto complainant and the petitioner/second accused is the mother of the first accused. The first accused harassed the defacto complainant demanding dowry. The defacto complainant went to her parental home for delivery and she delivered a male child. After the same, the first accused insisted her to come and live with him. The defacto complainant refused for the same since she had undergone operation. Since she refused to come, the first accused had caused injury to her and taken the child with him. Hence, the complaint.

3.The learned counsel for the petitioner submits that this petitioner is not shown as an accused in the First Information Report and there is no allegation as against this petitioner in the



First Information Report. Subsequently, this petitioner is added as an accused in this case.

4. The learned Government Advocate (Crl.Side) appearing for the respondent, would submit that during the course of investigation, some materials have been collected as against this petitioner.

5. A perusal of the First Information Report shows that there is no specific allegation as against this petitioner. Though the learned Government Advocate claims that there are materials against this petitioner, those materials are not placed before this Court. Furthermore, the petitioner is subsequently added as an accused. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed.

6. The petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the District Munsif cum Judicial Magistrate, Thiruvadanai, 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 learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required, until further orders;

(c) the petitioner shall not tamper with the 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.

sd/-

18/08/2021

/ 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.

TO

- 1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVADANAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THIRUVADANAI ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.11308 of 2021

Date :18/08/2021

SA/VR/SAR.1/31.08.2021/3P/5C