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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14056 of 2021

Puvaneshwari @ Bhuvaneshwari ... Petitioner/Accused No.7

Vs

The state represented by
The Inspector of Police,
All Women Police Station,
Srivaikundam,
Thoothukudi District.
(Crime No.14/2021)

... Respondent/Complainant

For Petitioner : M/s.Ramasamy.S,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

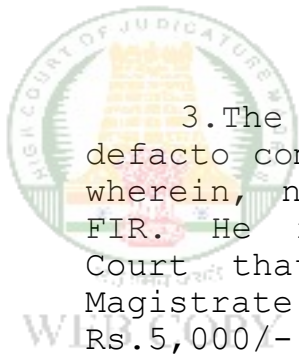
PRAYER :-

For Anticipatory bail in Crime.No.14 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.7 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 294(b), 506(i) of IPC and Section 4 of TNPHW Act in Crime No.14 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused No.1 to 6 demanded more dowry from the defacto complainant, abused in filthy languages and also criminally intimidated her. The allegation against the petitioner is that she married A1 Secondly. Hence, the present case has been registered.



3.The learned counsel for the petitioner submits that the defacto complainant filed D.V.O.P.No.21 of 2018 against the accused, wherein, no allegation has been stated as alleged in the present FIR. He further submits that A1 has filed an affidavit before this Court that as per the order passed by the learned Judicial Magistrate No.I, Thoothukudi, he is regularly paying a sum of Rs.5,000/- towards maintenance to the defacto complainant. Apart from that, without prejudice to his rights, the first accused is ready to pay further sum of Rs.5,000/- as interim maintenance.

4.The learned Additional Public Prosecutor appearing for the respondent strongly opposed this petition on the ground that this Court, by order dated 23.09.2021, referred the matter to the Social Welfare Committee to conduct enquiry and file a report, but the accused have not co-operated for enquiry.

5.Considering the nature of allegation levelled against the petitioner, the affidavit filed by the first accused and that the first accused is willing to pay further sum of Rs.5,000/- as interim maintenance, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall appear before the respondent police as and when required for interrogation.

[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]**.



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

sd/-
22/10/2021

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

+1. CC to M/S.RAMASAMY.S, Advocate SR.No.7391

ORDER
IN
CRL OP(MD) No.14056 of 2021
Date :22/10/2021

SS/JM/SAR-I/01.11.2021 : 3P/6C