



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25.10.2021
PRESENT

WEB COPY

Pavithra

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.15713 of 2021

... Petitioner/Accused No.2

Vs

State Represented by
the Inspector of Police,
All Women Police Station,
Jeeyapuram Police Station,
Trichy District.
(Crime No.22 of 2021)

... Respondent/Complainant

For Petitioner : Ms.S.Prabha, 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.22 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner apprehending arrest for the offence punishable under Sections 294(b) and 498(A) of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 and Section 4 of Tamil Nadu Dowry Prohibition Act, 1961 in Crime No.22 of 2021 on the file of the respondent Police seeks anticipatory bail.

2.The prosecution case is that the petitioner is having illicit relationship with the husband / first accused of the defacto complainant. When the same was questioned by the defacto complainant, she picked up quarrel with the defacto complainant and abused her. Hence the complaint.

3.The learned Counsel for the petitioner submits that the petitioner's husband and the first accused are friends. However, the defacto complainant on misconception has quarrelled with her. Therefore, the petitioner's husband suspecting her, has filed a petition for divorce in H.M.O.P.No.18 of 2021 on the file of the Sub Court, Trichy. Further, the petitioner is an innocent and she has been unnecessarily roped in for the matrimonial dispute of the defacto complainant. Further, co-accused in this case have been granted anticipatory bail by the Court of Sessions. Further it is also reported that the matter has been settled between the parties.



4.Considering the facts and circumstances of the case and the nature of allegations levelled against this petitioner and the submission that the matter is settled, this Court is inclined to grant anticipatory bail to the petitioner.

5.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, Additional Mahila Court, Trichy 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required.

[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/-
25/10/2021

/ 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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
JEEYAPURAM POLICE STATION, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15713 of 2021

Date :25/10/2021

dsk

SS/JM/SAR-II/11.11.2021 : 3P/5C