



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.16063 of 2020

Thangamani ... Petitioner/Accused No.5
(Wrongly Mentioned as Thangam in FIR
Instead of Thangamani)

Vs

The State rep. by
The Inspector of Police,
All Women Police Station(AWPS),
Cantonment, Trichy City,
Trichy District.
Crime No. 26/2020.

... Respondent/Complainant

For Petitioner : Mr.Karunanidhi .R,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Criminal Side)

For Intervener : Mr.K.Anand Perumal
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.26/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 498(A), 406 and 506(i) of IPC, in Crime No.26 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the sister-in-law of the husband of the defacto complainant. The defacto complainant viz., got married with one Rajasekaran on 15.11.2015. After the marriage, they were blessed with a female baby viz., Janani. Thereafter, the petitioner and her family members abused the defacto complainant by using filthy language and harassed her



and threatened her with dire consequences. Hence, the present complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and she is the elder sister of the defacto complainant. He further submitted that the defacto complainant got married the brother-in-law of the petitioner viz., Rajasekaran in the year 2015. After the marriage, she is residing separately with her family then on. Earlier, the defacto complainant filed a complaint before the K.K.Nagar Police Station on 11.12.2020 in which, there is no allegations against the petitioner and the same was registered in CSR.No.553 of 2020 and at the stage of CSR, the same was closed. Subsequently, the present complaint lodged on 18.12.2020 giving sweeping allegation against the petitioner. He further submitted that the family Court proceedings are pending in H.M.O.P.No.499 of 2019. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the defacto complainant was subjected to torture and harassment for demand of dowry. He further submitted that the petitioner's husband and the defacto complainant's husband are brothers and both are running bar in the TASMAL outlet in K.K.Nagar and they are politically influential person, due to which, the K.K.Nagar Police failed to take any action. Thereafter, the defacto complainant lodged the present complaint before the respondent Police. The defacto complainant had been humiliated and harassed seeking demand of dowry. Insofar as the petitioner is concerned, she along with her husband's brother said to have demanded dowry and causing cruelty to the defacto complainant.

6. In view of the same and it is matrimonial dispute and there is no other serious allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Additional Mahila Court, (Judicial Magistrate Level), Trichy District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the 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 shall report before the 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]; and;

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

sd/-

06/01/2021

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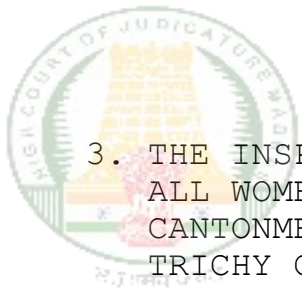
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 JUDGE,
ADDITIONAL MAHILA COURT,
(JUDICIAL MAGISTRATE LEVEL)
TRICHY DISTRICT.

2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION (AWPS),
CANTONMENT,
TRICHY CITY, TRICHY DISTRICT.

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

+1 CC to M/s.R.KARUNANITHI, Advocate (SR-101[I] dated 06/01/2021)

ORDER

IN

CRL OP(MD) No.16063 of 2020

Date :06/01/2021

VSG

SRS/KV/SAR-II/08.01.2021/4P/6C