



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.10.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.16381 of 2021

R.Rajeswari

... Petitioner/Accused No.6

Vs

State Rep by,
The Inspector of Police,
All Women Police Station,
Nagercoil, Kanyakumari District.
(Crime No. 14/2021)

... Respondent/Complainant

For Petitioner : Mr.S.Varatharajan,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, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 34, 294(b), 323, 403, 498(A), 560(i) IPC and Sections 4, 6 of Dowry Prohibition Act, in Crime No.14 of 2021, seeks anticipatory bail.

2.The prosecution case is that the marriage between the first accused and the defacto complainant took place on 16.09.2015. After the marriage, the accused persons harassed the defacto complainant by demanding dowry. Hence, the complaint.

3.Learned Counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He further submits that the petitioner is the in-law of the defacto complainant and she is not residing with the defacto complainant. The co-accused have already been granted anticipatory bail by the Sessions Court.



4.Learned Additional Public Prosecutor, on instructions, submits that the investigation is yet to be completed. He further admits that the co-accused have been granted anticipatory bail by the Sessions Court.

5.Considering the fact that it is a matrimonial dispute, the petitioner is an in-law and the grant of anticipatory bail to the co-accused, this Court is inclined to grant anticipatory bail to the petitioner.

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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, Additional Mahila Court, Kanyakumari District at Nagercoil, 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 Judge 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 Judge 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 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 the investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Judge/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 Judge/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 petitioner / accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/10/2021

/ TRUE COPY /

/ /2021

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

gk

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 JUDGE,
ADDITIONAL MAHILA COURT,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16381 of 2021
Date :27/10/2021

PKP/PN/SAR-4/08.11.2021/3P/4C