



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

Date : 01.11.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD)No.16585 of 2021

WEB COPY

Sasi Rekha

... Petitioner/Accused No.6

Vs

State represented by
The Inspector of Police
All Women Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.24 of 2021)

... Respondent/Complainant

For Petitioner : Mr.C.Kishore, Advocate

For Respondent : Mr.R.Meenakshi Sundram

Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under sections 498(A), 406, 506(2) and 294(b) IPC and Sections 3(1), 4 and 6 of Dowry Prohibition Act in Crime No.24 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the marriage of defacto complainant and the first accused was solemnised on 02.01.2006. The accused persons demanded dowry from the defacto complainant and harassed her. Hence this complaint.

3.The learned counsel for the petitioner submitted that the petitioner has nothing to do with the affairs of the defacto complainant and her family. She is in no way connected with the husband and her family, neither she is a relative or friend to them. However, she has been falsely implicated in this case. The petitioner is also ready to file an affidavit before the respondent police that she is not having any relationship or whatsoever with the first accused and she will not interfere with the affairs of the first accused and the defacto complainant.

4.The learned Additional Public Prosecutor submitted that the petitioner is the girl friend of first accused. The accused demanded



dowry and harassed the defacto complainant.

5.Considering facts and circumstance of the case, the submission of the petitioner that she is willing to file an undertaking affidavit and also the nature of allegations, 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 Judicial Magistrate Additional Mahila Court, Nagercoil, Kanyakumari 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 shall file an affidavit before the respondent police that she is not having any relationship or whatsoever with the first accused and she would not interfere with the affairs of the defacto complainant and the first accused.

[b] 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.

[c] the petitioner shall report before respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e] 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/-
01/11/2021

/ 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 Judicial Magistrate,
Additional Mahila Court,
Kanyakumari District, Nagercoil.
2. -do-Through The Chief Judicial Magistrate,
Kanyakumari @ Nagercoil.
- 3.The Inspector of Police
All Women Police Station,
Nagercoil,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.16585 of 2021
Date :01/11/2021

RS/PN/SAR2 (11.11.2021) 3P 4C