



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD).No.16898 of 2021

R.I.Shaziya Afreen, ... Petitioner/Accused 7

Vs.

State Rep. By
The Inspector of Police,
A.W.P.S. Pudukottai Police Station,
Tuticorin District.
(Cr.No.12 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Mohamed Riyas.M,
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.12 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 offences punishable under Sections 498(A)IPC and 4 of TNPHW & 4 of Dowry Prohibition Act, in Crime No.12 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is having illegal intimacy with the de-facto complainant's husband. Hence the case has been registered.

3.The learned counsel for petitioner submitted that the husband of the de-facto complainant namely Muthuvinayagam cheated the petitioner that he was unmarried and he is willing to marry the petitioner. Believing the words of the said Muthuvinayagam, the petitioner spoke with him and taking advantage of the same, he made a new Aadhar Card of the petitioner and got a new sim card in the petitioner's name. Thereafter, she came to know that Muthuvinayagam was already married and cheated her. Hence the



petitioner lodged a complaint before the All Women Police Station and the same is at the stage of enquiry in C.S.R.No.205 of 2020.

4.The learned Additional Public Prosecutor opposed this petition on the ground that it is a heinous offence and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and considering the fact that the no material has been placed as against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thoothukudi, 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 report before 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/-
01/11/2021

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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.

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TO

- 1.THE JUDICIAL MAGISTRATE NO.III
THOOTHUKUDI.
- 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3.THE INSPECTOR OF POLICE,
AWPS PUDUKOTTAI POLICE STATION,
TUTICORIN DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16898 of 2021
Date :01/11/2021

SB/JM/SAR-IV/15.11.2021/3P/5C