



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.1360 of 2022

Panchavarnam

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
(Crime No.138 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Senthil,D. Advocate.

For Respondent : M/s.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.138 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 174(3) of Cr.P.C. @ 304(B) of IPC, in Crime No.138 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the accused person and her son demanded dowry from the deceased and harassed her, due to which, she committed suicide on 24.08.2021. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution, but she has been falsely implicated in this case.



4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is the second anticipatory bail petition. Earlier this Court by an order, dated 29.12.2021 in Crl.O.P(MD)No.21043 of 2021 had dismissed the anticipatory bail petition taking note of the bad antecedents of the petitioner. He further submitted that the child is also in the custody of the petitioner and no previous case is pending against her.

5.Considering the facts and circumstances of the case and considering the age of the petitioner and the child is only with 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, 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 the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation;

[c] The petitioner is directed to file an undertaking affidavit stating that he will not indulge this kind of offence in future before the trial Court as well as before the respondent police.

[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.

[f]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]**.



[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
27/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd

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,
THIRUVADANAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
S.P.PATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SENTHIL D Advocate SR.No.440

ORDER
IN
CRL OP(MD) No.1360 of 2022
Date :27/01/2022