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

Date : 21/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.1494 of 2022

Santhi ... Petitioner/Accused No.3

Vs

1. State rep.by
The Inpsector of Police,
All Women Police Station,
Rajapalayam Police Station,
Virudhunagar District.
(Crime No.1 of 2022). ... Respondent/Complainant

*2. V.Pandiselvi ... 2nd Respondent/Defacto
Complainant

*(R2 Suo Motu Impeaded as Per
Order of this Hon`ble Court Dated
10.02.2022 in Crl.OP(MD)No.1494
of 2022 by KNSJ)

For Petitioner : M/s.Karthick P, Advocate.

For Respondent 1 : Mr.M.vaikkam Karunanithi,
Government Advocate (Crl.Side)

For R2 : Mr.S.Ramasamy, Advocate

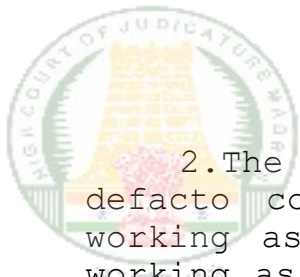
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, apprehending arrest at the hands
of the respondent police for the alleged offence punishable under
Sections 498(A), 294(b), 406, 506(i) and 4 of Dowry Prohibition Act,
1961, in Crime No.1 of 2022 on the file of the respondent police,
seeks anticipatory bail.



2.The case of the prosecution is that the first accused and the defacto complainant are husband and wife. The first accused is working as teacher in Salem District. The petitioner herein also working as Headmistress in the same union. Hence, the petitioner is known to the first accused. Further, the first accused had illegal intimacy with the petitioner. The family of the first accused also supported the same. Due to which, the family of the first accused and the petitioner said to have harassed the defacto complainant by demanding more dowry and abused her in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and she has been falsely implicated in this case. He further submitted that the first petitioner is aged about 35 and this petitioner is aged about 51 years. She also going to retire. She is working as Headmistress in a Government School. According to her, she was taking care of the first accused when he was admitted in the hospital for treatment. Because of that only, the above said allegation has been made against her. Only after filing HMOP by the first accused, this complaint has been lodged by roping the petitioner. Hence, he prays to grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner was arrayed as third accused in the FIR. The first accused had illegal intimacy with the petitioner and they harassed the defacto complainant by demanding more dowry.

5.It is the allegation on the side of the second respondent to the effect that the first accused is having some illegal intimacy with the petitioner. Further, when the first accused was admitted in the hospital, this petitioner prevented the defacto complainant to see and take care of him.

6.It appears that there are allegation and counter allegation with regard to the conduct of both the parties. But, however, it appears that this petitioner is totally unconnected to the matrimonial issue between the husband and wife.

7.Considering the facts and circumstances of the case and also considering the fact that it is a dispute between the first accused and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Additional Mahila Court, Srivilliputur, 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 learned



Magistrate concerned and since the petitioner being a teacher, the petitioner shall appear before the respondent police **once in a month (Sunday) at 10.30 a.m. until further orders.** The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

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9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-

21/06/2022

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

DSS

TO

1. THE JUDGE, ADDITIONAL MAHILA COURT,
SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.1494 of 2022

Date :21/06/2022

SP/PN/SAR I/28/06/2022/3P/4C