



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.03.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5317 of 2022

Muthumari @ Marieswari

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Kamuthi,
Ramanathapuram District.
(Crime No.1 of 2022)

... Respondent/De Jure Complainant

For Petitioner : Mr.S.Ramesh Kumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

PETITION FOR ANTICIPATORY BAIL Under Section 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, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 498 (A) IPC and Section 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, that the petitioner and the other accused are the family members of the first accused and that all the accused persons demanded dowry from the defacto complainant. Hence, the complaint.

3.Admittedly, the petitioner is the sister-in-law of the defacto complainant and the sister of the first accused.



4.The learned counsel for the petitioner would submit that the defacto complainant has lodged the complaint falsely implicating the petitioner along with her parents and that the accused 2 and 3 were already arrested and released on bail by the judicial Magistrate.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first accused is in Japan and that the parents of the first accused were already arrested and released on bail.

6.As rightly contended by the learned counsel for the petitioner, the defacto complainant has raised general omnibus allegations against the petitioner.

7.Considering the above facts and also the nature of the charges levelled against the petitioner and also the fact that the accused 2 and 3 were already arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, 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, Kamuthi, Ramanathapuram 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 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 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/-
22/03/2022

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/ /2022

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,
KAMUTHI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KAMUTHI,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5317 of 2022
Date :22/03/2022

RS/SVR/SAR.4(28.03.2022) 3P-5C