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

Date : 20/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.14027 of 2022

Gomathimuthurani

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Puliankudi Police Station,
Tirunelveli District.
(Crime No.480 of 2021).

... Respondent/Complainant

For Petitioner : M/s. Susikumar, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.480 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174(3) of Cr.P.C @ 306 of IPC, in Crime No.480 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute, the petitioner and other accused harassed the de-facto complainant's daughter by demanding additional dowry, for which the deceased committed suicide by hanging. Hence the complaint. Hence, she committed suicide



3. The learned counsel for the petitioner would submit that the petitioner is the mother-in-law of the deceased and there is no specific allegation against the petitioner as if she demanded additional dowry. He would further submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate(crl.side) would submit that there is a specific overt act against the petitioner and the first accused has been arrested and thereafter, released on bail and also the accused Nos.3 to 5 were granted anticipatory bail. He would further submit that the investigation is not yet completed.

5. Considering the facts and circumstances of the case and considering the nature of the offence and also the fact that the co-accused were already granted bail and anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioner shall not tamper with 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]**; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
20/09/2022

/10/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

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,
SIVAGIRI.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S. SUSIKUMAR Advocate SR.No.10272

ORDER
IN
CRL OP(MD) No.14027 of 2022
Date :20/09/2022