



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

Date : 11/11/2022

PRESENT

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

CRL OP(MD). No.20035 of 2022

Lakshmi

... Petitioner/Accused No.3

Vs

The State Rep. By,  
The Inspector of Police,  
Kottampatti Police Station,  
Madurai District.  
(Crime No.359/2022).

... Respondent/Complainant

For Petitioner : M/s.Karuna V,  
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr No.359/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 498(A) and 109 of IPC, in Cr.No.359 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that A1 and the defacto complainant are husband and wife. The petitioner herein is the mother-in-law of the defacto complainant. At the instigation of the petitioner and other accused, A1 harassed the defacto complainant by demanding additional dowry of Rs.10 lakh. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the petitioner is the mother-in-law of the defacto complainant. After some time of marriage, the defacto complainant lead her matrimonial life with the



other accused as joint family. Thereafter, they have started a separate house. It is a matrimonial dispute between the husband and wife. The petitioner herein is only in-law of the defacto complainant. She is no way involved in any occurrence. Hence, he prays for grant of anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.Side) would submit that totally 3 accused are involved in this case. The petitioner is arrayed as A3. At the instigation of this petitioner only, A1 demanded additional dowry of Rs.10 lakh from the defacto complainant. 4 witnesses have been examined and 164 statement was also recorded. The investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute, the petitioner herein is only in-law of the defacto complainant and 4 witnesses have been examined, 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, Melur, Madurai District, 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 every Sunday 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.

sd/-  
11/11/2022

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/11/2022

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,  
MELUR MADURAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,  
KOTTAMPATTI POLICE STATION,  
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.20035 of 2022  
Date :11/11/2022

dss  
USK/BUC/SAR-II/23.11.2022/3P/5C