



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

Date : 12/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21073 of 2022

Muthamildevi

... Petitioner/A4

Vs

1. The State Rep. By,
The Inspector of Police,
All Women Police Station,
Theni District.
Crime No.50 of 2022.

... Respondent/Complainant

2. Mehala Devi

... Petitioner/Intervener/
Defacto Complainant
in Crl MP(MD) No.15345/2022
in Crl OP(MD) No.21073/2022

For Petitioner : M/s.Sathishwaran N,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

For intervenor : Mr.K.Prakash, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.50 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 4 of Dowry Prohibition Act and Sections 294(b), 323, 406, 498-A and 506 (i) IPC in Crime No.50 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that the marriage between her and A1 was solemnized on 23.08.2022 and at the time of marriage, 60 sovereigns of gold jewels, Streedhana articles worth about Rs.2,00,000/- and Rs.1,00,000/- was given as dowry to A1. After that, A1 had used to



harass the defacto complainant both mentally and cruelly at she had left the matrimonial home along with two children. Later, she came to know that her husband had illicit relationship with her own sister and they have also taken the child from her. Hence, the complaint.

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3. The learned counsel for the petitioner submitted that the petitioner is elder sister defacto complainant being good terms with her in-laws, whereas, a false complaint has been given by her stating that the petitioner is having illicit relationship with A1. He would further submit that A1 to A3 have already been granted bail by this Court in Crl.O.P(MD).No.20992 of 2022. He further submitted that the except stating that the petitioner is having illicit relationship with A1, there is no other allegation of harassment and hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl.side) would submit that the petitioner herein is the elder sister of the defacto complainant; A1 is the husband and A2 and A3 are in-laws of the defacto complaint. He would further submit that A1 had illicit relationship with the petitioner herein, who is the elder sister of the defacto complainant and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor petitioner submitted that the petitioner being a elder sister of the defacto complainant had developed illicit relationship with A1 and that she had driven out from the matrimonial home and they have also taken the female child and refused to give to her to the defacto complainant.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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 on which the order copy made ready, before the Additional Mahila Court (FTC) (JM Level), Theni 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 day at 10.30 a.m., until further orders.

<https://www.mhc.tn.gov.in/judis>



[c] the petitioner shall not tamper with evidence or 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 229A IPC.

sd/-

12/12/2022

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/12/2022

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

TO

1. THE ADDITIONAL MAHILA JUDGE (FTC)
(J.M.LEVEL), THENI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SATHISHWARAN N, Advocate (SR-14812[I] dated 14/12/2022)

ORDER

IN

CRL OP(MD) No.21073 of 2022

Date :12/12/2022

trp

USK/VR/SAR-II/20.12.2022/3P/6C