



WEB COPY

CRL.O.P(ML



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.685 of 2023

Tamilselvi

...Petitioner/Accused No.2

-vs-

The State represented by
The Inspector of Police,
All Women Police Station,
Theni District.
(in Cr.No.27 of 2022)

...Respondent/Complainant

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.27 of 2022.

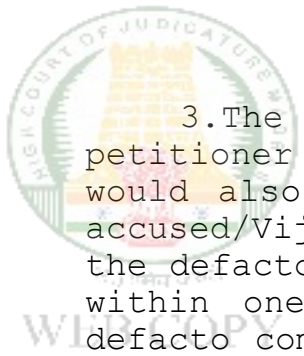
For Petitioner : Mr.A.R.Kannappan, Advocate

For Respondent : Mr.Albert James
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 498(A), 294(b), 406 and 506(i) IPC and Section 4 of Dowry Prohibition Act in Crime No.27 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Kanimozhi is that the marriage between her and the first accused Vijayakumar was solemnized on 31.08.2022 and subsequent to the marriage, the accused had demanded additional dowry and harassed her and committed cruelty on her. The defacto complainant was driven out of the house. While so on 07.11.2022, she received information that her husband had married another woman and when she attempted to contact her husband, his cell phone was switched off and she contacted her mother-in-law she had threatened her and told that there was marriage for someone else. Hence, the complaint.



3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is the mother of the first accused/Vijayakumar and the marriage between the first accused and the defacto complainant was solemnized on 31.08.2022 and immediately within one week there was misunderstanding between them and the defacto complainant left the matrimonial home with jewels and cash. Subsequently, the son of the petitioner/A1 has left abroad and only to harass the petitioner, the present complaint has been given. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is the mother-in-law of the defacto complainant and her son was married to the defacto complainant on 31.08.2022 and thereby the petitioner along with her son demanded additional dowry and harassed the defacto complainant. Hence, he prays for dismissal of this application.

5.Taking into consideration the facts and circumstances of the case, 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 on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Andipatti, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 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/-
20/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

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

+1 CC to M/s.KANNAPPAN A.R, Advocate (SR-942[I] dated 23/01/2023)

ORDER
IN
CRL OP(MD) No.685 of 2023
Date :20/01/2023

PKP/SSS/SAR-3/31.01.2023/3P/6C