



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.708 of 2023

WEB COPY

Jasmine

...Petitioner/Accused No.3

-vs-

State represented by its
The Inspector of Police,
All Women Police Station,
Alangulam
(In Cr.No.2 of 2020)
Tirunelveli District

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.2 of 2020 on the file of the respondent Police.

For Petitioner : Mr.C.Susi Kumar, Advocate.

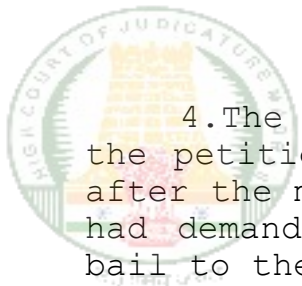
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 498(A, 294(b), 506(i) IPC and Section 4 of Dowry Prohibition Act in Crime No.2 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Rajaselvi is that she got married to the first accused Suresh Dhanapal on 04.09.2017 and thereafter, her husband along with his family members have demanded additional dowry and harassed her. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case since he happens to be the elder sister of the first accused. He would further submit that the first accused/husband and the second accused/mother-in-law have been granted anticipatory bail by the lower court. He prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (crl.side) would submit that the petitioner is the sister-in-law of the defacto complainant and after the marriage, the petitioner along with her brother and mother had demanded more dowry and he opposes for grant of anticipatory bail to the petitioner.

5. Heard the learned Counsel. 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 are 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, Tenkasi, on condition that the petitioner shall execute 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 Saturday at 10.30 am for 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 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/-

20/01/2023

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/02/2023

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

CM



TO

1 THE JUDICIAL MAGISTRATE,
TENKASI.

2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ALANGULAM,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.708 of 2023

Date :20/01/2023

VA/MMS/SAR-4/01.02.2023/3P/5C