



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.716 of 2023

WEB COPY

J.lakshmi

...Petitioner/Accused
(Rank not known)

-vs-

The State represented by
The Inspector of Police,
Thallakulam Police Station,
Madurai City.
(in Cr.No.599 of 2022)

...Respondent/Complainant

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.599 of 2022.

For Petitioner : Mr.R.Anand, Advocate

For Respondent : Mr.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), and 304(B) IPC in Crime No.599 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Chithirai Selvi is that her daughter Divya was given in marriage to one Marimuthu on 11.02.2022 and there was some dispute between her daughter and her husband Marimuthu regarding the sale of land and the said Marimuthu was continuously harassing her demanding dowry and further the said Marimuthu had also illicit affair with one Lakshmi, the petitioner herein and the deceased had asked the said Marimuthu to sever the relationship with the petitioner herein. The first accused Marimuthu did not sever the relationship whereas he had demanded further dowry of 10 sovereigns and had tortured the victim and unable to bear the torture, the victim had committed suicide by hanging on 26.08.2022. 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 submit that the petitioner is a family friend of the



husband of the deceased and there was close relationship between the family members and other than that, the petitioner has not committed any offence. He would further submit that the respondent had earlier issued summons for appearance of the petitioner and she had also appeared for enquiry and she has not absconded. He would also submit that investigation has been completed and charge sheet has been filed on 03.01.2023 and the petitioner has been shown as absconding accused. According to the learned counsel, custodial interrogation of the petitioner would not be necessary. He has added that even assuming for a moment that the petitioner is alleged to have illicit intimacy with the husband of the deceased, it may not be a ground for fixing criminal liability on the petitioner. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that the defacto complainant's daughter Divya had married the first accused on 11.02.2022 and subsequently the first accused along with his family members had demanded more dory and harassed the victim and the first accused had illicit intimacy with the petitioner herein and the deceased had asked the first accused to sever the relationship whereas he was continuing his relationship with the petitioner due to which, the victim has committed suicide and earlier complaint was given to the All Women Police Station wherein enquiry was conducted and the petitioner was advised to sever the relationship with the first accused. He would object for grant of anticipatory bail to the petitioner. However, he would submit that investigation has been completed and charge sheet has been filed and the petitioner has been shown as absconding accused.

5. Taking into consideration the facts and circumstances of the case and considering the nature of allegation attributed against the petitioner, 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 No.2, Madurai, 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 Judicial Magistrate No.2, Madurai at 10.30 a.m., for a period of two weeks and on the dates fixed by the Magistrate.



[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/-

20/01/2023

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/01/2023

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

CM

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
- 2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANAND R Advocate SR.No. 880 (I)

ORDER

IN

CRL OP (MD) No.716 of 2023

Date :20/01/2023

VA/MMS/SAR-1/31.01.2023/3P/6C