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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/01/2023

PRESENT

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

CRL OP(MD). No.780 of 2023

Hema

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Valliyoor, Tirunelveli District
(Crime No.17 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Rajeshwaran.K,
Advocate.

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

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

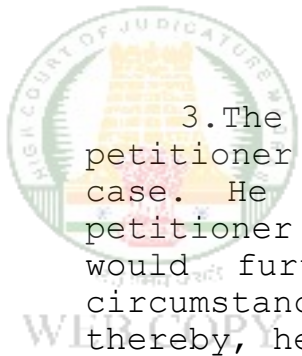
PRAYER :-

For Anticipatory Bail in Crime No.17 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 494, 406 and 506(1) of I.P.C., in Crime No.17 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the defacto complainant, is that she was married to the first accused on 06.06.2019 and at the time of marriage, 30 sovereigns of gold jewels and one lakh cash were given as dowry and thereafter, the defacto complainant has become pregnant and it was aborted due to the ill-health and she was admitted in the hospital. Later, the first accused had left the de-facto complainant in her parents' house and thereafter, he did not take her back to the matrimonial home. Later, she came to know that the first accused has married another woman and when it was questioned, the first accused had abused her in filthy language and caused life threat. Hence, the case.



3.The learned counsel for the petitioner would submit the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the allegation against the petitioner is that she is the second wife of the first accused. He would further submit that the petitioner is the victim of circumstances and she is not aware of the earlier marriage of A1 and thereby, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the first accused was married to the defacto complainant on 06.06.2019 and later, the first accused had driven the defacto complainant out of the matrimonial home and later, had married the petitioner. Hence, he would object for anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Radhapuram, Tirunelveli 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, daily at 10.30 a.m., for a period of one week and thereafter, on every Saturday at 10.30 a.m., 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 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/-

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

sj i

TO

1 THE JUDICIAL MAGISTRATE, RADHAPURAM, TIRUNELVELI DISTRICT.

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

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

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

+1 CC to M/s.RAJESHWARAN.K, Advocate (SR-694[I] dated 12/01/2023)

ORDER

IN

CRL OP(MD) No.780 of 2023

Date :12/01/2023

RS/SSS/SAR.3(24.01.2023) 3P-6C