



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

Wednesday, the First day of February Two Thousand and Twenty Three

PRESENT

WEB COPY

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

CRL OP(MD) No.1876 of 2023

ASOTHAIYAMMAL @ GOTHAI

... PETITIONER/ACCUSED NO.6

Vs

State Rep.by
THE INSPECTOR OF POLICE
CANTONMENT ALL WOMEN POLICE STATION,
TRICHY, TRICHY DISTRICT.
(CRIME NO.4 OF 2022)

... RESPONDENTS/COMPLAINANT

For Petitioner : M/S.KANNAN.V Advocate
For Respondent : MR.A.ALBERT JAMES,
Govt. Advocate (Crl. Side)

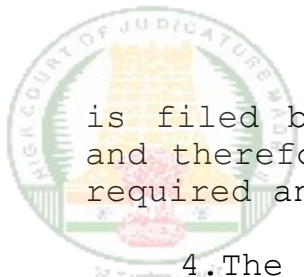
PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.4 of 2022.

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), 406, 506(i) IPC in Crime No.4 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 first accused married the defacto complainant on 27.01.2020 and during marriage, sridhana articles worth about Rs.10 lakhs, 60 sovereigns of gold and one car were given by the defacto complainant's parents. Apart from that, after marriage, the accused persons demanded more dowry, harassed and threatened her. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that this is second application for anticipatory bail and the earlier application for anticipatory bail in Crl.O.P.(MD)No.5316 of 2022 in respect of the petitioner and others was dismissed on 12.10.2022 stating that there are specific allegations against the petitioner. He also submits that the petitioner is aged about 80 years and he is the elder sister of the mother-in-law of the defacto complainant. He would submit that investigation has been completed and charge sheet



is filed before the Additional Mahila Court, Trichy on 12.10.2022 and therefore, custodial interrogation of the petitioner may not be required and thereby he would seek for anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is the elder sister of the mother-in-law of the defacto complainant and she along with other accused had harassed the defacto complainant and demanded more dowry. He would also submits that the investigation has been completed and final report has been filed and it is yet to be taken on file.

5.Heard and perused the materials available on record.

6.This Court had earlier dismissed the application filed by the petitioner in Crl.O.P(MD)No.5316 of 2022 on 12.10.2022 on the ground that there are specific allegations against the petitioner. It is now reported that the investigation has been completed and final report has been filed. Hence, this Court is of the opinion that custodial interrogation of the petitioner may not be required.

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

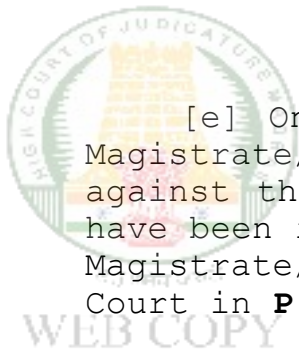
8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Additional Mahila Court, Judicial Magistrate, Trichy on condition that the petitioner shall 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 as and when required.

[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/-

01/02/2023

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/02/2023

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

CM

TO

1 THE ADDITIONAL MAHILA COURT, JUDICIAL MAGISTRATE, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, CANTONMENT ALL WOMEN POLICE STATION,
TRICHY, TRICHY DISTRICT.

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

+1 CC to M/s.V.KANNAN, Advocate (SR-1636[I] dated 02/02/2023)

ORDER

IN

CRL OP(MD) No.1876 of 2023

Date :01/02/2023

RS/VR/SAR.1(08.02.2023) 3P-6C