



WEB COPY

CRL OP(MD)N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.01.2023

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.22683 of 2022

Guruvammal

... Petitioner/Accused No.2

Vs

Stat by

The Inspector of Police,
All Women Police Station,
Tirunelveli Junction
Tirunelveli District.
[Cr.No.8 of 2021]

... Respondent/Complainant

For Petitioner : Mr.Mohanasundaram.M.Advocate

For Respondent : Mr.Vaikkam Karunanidhi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 294(b), 406, 506(i) IPC r/w Section 4 of the Dowry Prohibition Act in Crime No.8 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner's son and the defacto complainant was solemnized on 17.11.2021. While so, the petitioner compelled the defacto complainant to pledge her jewels in her name and hand over the money to them enabling them to repay the housing loan. Further, the petitioner demanded dowry from the defacto complainant and harassed the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution. However the jewels were redeemed by the

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petitioner and handed over to the petitioner and the complainant has also made a request not to proceed with the criminal case.

4.The learned Government Advocate (Crl Side) appearing for the State submits that the petitioner has returned all the jewels.

5.Considering the facts and circumstances, and the subsequent developments took place in this case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Tirunelveli on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with one surety for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the surety shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required.

[c]the petitioner shall not tamper with the 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 229-A IPC.

sd/-

06/01/2023

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/02/2023

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



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

ORDER
IN
CRL OP(MD) No.22683 of 2022
Date :06/01/2023

PKP/BUC/SAR-4/04.02.2023/3P/5C