



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P(MD)No.3 of 2023

WEB COPY

Sountharya @ Soundaram

...Petitioner / Accused No.3

-vs-

The State represented by
The Inspector of Police,
All Women Police Station,
Devakottai Police Station,
Sivagangai District.
(in Cr.No.9 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 her arrest by the respondent Police with respect to Cr.No.9 of 2022.

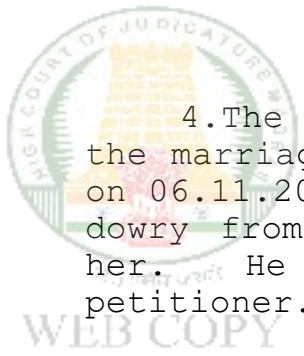
For Petitioner	:	Mr.S.Ramsundarvijayraj Advocate
For Respondent	:	Mr.A.Albert James Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323 and 498(A) of IPC and Section 4 of TNPHW Act in Crime No.9 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Krithika, is that on 06.11.2020, the de-facto complainant was married to A1 and after the marriage, the accused persons have demanded more dowry and have abused and attacked the de-facto complainant. 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 would also submit that petitioner is the sister of the first accused and she has been unnecessarily roped-in in this case. He would further submit that the petitioner is living separately and a false complaint has been given, as if the petitioner is also demanded dowry from the de-facto complainant. He would also submit that matrimonial disputes are pending between the petitioner's brother and the de-facto complainant before the lower Court.



4.The learned Government Advocate (Crl.side) would submit that the marriage between the de-facto complainant and A1 was solemnized on 06.11.2020 and after the marriage, the accused have demanded more dowry from the de-facto complainant and have abused and attacked her. He would oppose for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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, Devakottai, 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 everyday at 10.30 a.m., for a period of one week and thereafter, every Saturday at 10.30 am 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 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/-

04/01/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
DEVAKKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
DEVAKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.SARAVANAKUMAR P, Advocate (SR-135[I] dated
04/01/2023)

ORDER

IN

CRL OP(MD) No.3 of 2023

Date :04/01/2023

cmr

MK/BUC/SAR II(10.01.2023) 3P 6C