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Crl.O.P.No.12102 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.12102 of 2024

S.Bhuvaneswari @ BhuvaneshwariShanmugam
D/o.Shanmugam

... Petitioner/
Accused No.3

Vs.

The State rep. by
The Inspector of Police,
W-5, All Women Police Station, Selaiyur,
Chennai - 600 064.
(Crime No.16 of 2024)

...Respondent/
Complainant

PRAYER: The Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973, praying to enlarge the petitioner on anticipatory bail in the event of her arrest in Crime No.16 of 2024 on the file of the respondent police.

For Petitioner : Mr.V.K.Thiruvengadam

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed by the petitioner on 14.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 498 (A) of IPC, Section 4 of Dowry Prohibition Act, 1961 and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.16 of 2024 on the file of the respondent police.

3. According to the petitioner, the defacto complainant lodged a complaint against the petitioner alleging that her husband / accused no.1 is having extra marital affair with the petitioner and planning to get married.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that earlier there was a love affair between the petitioner and the husband of the defacto complainant.

5. Heard on both sides'. This Court has perused the records.

6. Considering the allegations levelled against the petitioner, this



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Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of her arrest or in the event of her surrender before the learned **Judicial Magistrate II, Tambaram**, within a period of 15 days from today, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the **Judicial Magistrate II, Court, Tambaram.**

(ii) **Thereafter, the petitioner shall appear and sign before the learned Judicial Magistrate II, Puducherry, daily at 10.30 a.m., until further orders;**

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish her residence address and mobile



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number to the learned **Judicial Magistrate II, Tambaram.**

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, the learned Magistrate, Tambaram, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].

7. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

17.05.2024

Index : Yes/No
Internet : Yes/No
Neutral citation : Yes/No
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Note:-

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To

1. The Judicial Magistrate II, Tambaram.
2. The Judicial Magistrate II, Puducherry.
3. The Inspector of Police,
W-5, All Women Police Station, Selaiyur,
Chennai – 600 064.
4. The Public Prosecutor, High Court of Madras.



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R.SAKTHIVEL. J.

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