



CRL OP(MD) No.23603 of 2023

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

Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23603 of 2023

THAMARAI

... PETITIONER / ACCUSED No.3

Vs

THE INSPECTOR OF POLICE
CHECKANURANI POLICE STATION,
MADURAI DISTRICT.
CR.NO.442/2023

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.VIJAYAKUMAR, Advocate

For Respondent :MR.P.KOTTAICHAMY,
Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CR.NO.442/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent



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police for the alleged offence under Sections 294(b), 323, 506(i), 498(A) & 306 of IPC in
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Crime No.442 of 2023 , seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the father of the deceased and the petitioner herein is the mother-in-law of the deceased. The deceased was got married to A1. After marriage, A1 has illegal intimacy with some other lady. Due to which, there was dispute between A1 and the deceased. Further, A1 along with the petitioner and his family members harassed the deceased by demanding additional dowry. Thereby, the deceased consumed poison. Even though, she was admitted in the Government Rajaji Hospital, Madurai, she passed away on 04.12.2023. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submitted that it is a matrimonial dispute between A1 and the deceased. There is no specific overt act against the petitioner. The petitioner is being mother-in-law of the deceased, she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the State submitted that it is a matrimonial dispute between A1 and the deceased. A1 & A2 were already arrested and remanded to judicial custody. The investigation is pending.

5. Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute between A1 and the deceased, the petitioner herein is only mother-in-law of the deceased and there is no specific overt act against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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.2, Usilampatti, 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 and on further condition that:



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(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
11/01/2024

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/01/2024
Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

To

1. THE JUDICIAL MAGISTRATE NO.2, USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3.THE INSPECTOR OF POLICE
CHECKANURANI POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.S.VIJAYAKUMAR, Advocate (SR-579[I] dated 11/01/2024)

ORDER
IN

CRL OP(MD) No.23603 of 2023
Date :11/01/2024

RK/VR (23/01/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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