

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN

CRIMINAL ORIGINAL PETITION No.4947 of 2017

1 MOHAMMED RAFI
2 J.POWZHUNISHA

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
AVINASHI, TIRUPPUR DISTRICT
CR.NO.NOT KNOWN/2017.

[RESPONDENT]

For Petitioner : M/S.S.GUNALAN Advocate

For Respondent : MR. R.SEKAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498A and 506(ii)IPC r/w Section 4 of Dowry Prohibition Act in Crime No.not known of 2017 on the file of the respondent police, seek the relief of anticipatory bail.

2.The first petitioner is the husband of the defacto complainant and the second petitioner is the mother in law of the defacto complainant. The allegation against the petitioners is that the petitioners demanded dowry and ill-treated the defacto complainant. Hence, this complaint.

3. The learned counsel for the petitioners would submit that a marriage between the first petitioner and the defacto complainant was solemnized on 12.01.2014. Out the wedlock, the child was born on 02.08.2015. When the defacto complainant became pregnant, she left the matrimonial home for confinement. But she did not return to matrimonial home, after the child birth. Due to vengeance, the defacto complainant has lodged false allegation against the petitioners. Further, he would submit that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate(crl.side) would submit that the investigation is going on in this case. Since the case pertains to the family dispute, there is no need of custodial interrogation.

5. Considering the facts and circumstances of the case and taking note of the fact that this case pertains to the family dispute and the investigation is still pending, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before **the learned Judicial Magistrate, Avinashi**, within a period of 15 days from the date of receipt of a copy of this order, on each of them executing a separate 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 learned magistrate concerned, or to the satisfaction of the respondent police or the Police Officer, who intends to arrest and on further condition that the first petitioner shall appear before the **respondent police daily at 10.30 a.m., for a period of two weeks** and thereafter, as and when required for interrogation. Insofar as the second petitioner being an aged lady is concerned, she shall appear before the respondent police as and when required for interrogation.

-sd/-
22/03/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
AVINASHI, TIRUPPUR DISTRICT.

+1CC to M/S.S.GUNALAN Advocate on payment of necessary charges
SR NO.5447

CRL OP.4947/2017

Date :22/03/2017

MK:24/03/2017