

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19600 of 2018

1 GNANA SAKTHI
2 GANESAN
3 CHINNASAMY

[PETITIONER / ACCUSED]

Vs

STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE,
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.NOT KNOWN OF 2018

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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 under Sections 294(b), 498(A), 506(ii) of IPC in Cr.No.not known of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner and the defacto complainant's marriage was performed in the year 2011. Thereafter, they were blessed with two children. After the birth of the two children there was a dispute inbetween the petitioner and the defacto complainant. The allegation of the defacto complainant is that the petitioner demanded additional dowry.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and would further submit that it is only a family dispute between the 1st petitioner and the defacto complainant.

4.The learned Additional Public Prosecutor would submit that the 1st petitioner and the defacto complainant are husband and wife. Since the 1st petitioner has demanded additional dowry, the defacto complainant made a complainant before the respondent police. He would further submit that based on the complaint, a case has been registered in Crime No.282 of 2018

for the offence punishable under Sections 294(b), 494, 498(A) and 506(i) of I.P.C.

5.Considering the fact that the marriage between the 1st petitioner and the defacto complainant had taken place before seven years and also the fact that they have two children and also the fact that there is no specific overtact as against the petitioners, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Pochampalli on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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:

(a)the petitioners and the sureties shall affix their 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 their identity;

(b)the 1st petitioner shall report before the respondent police daily at 10.30 a.m. until further orders. The petitioners 2 and 3 shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners 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]**; and;

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

-sd/-

20/08/2018

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
POCHAMPALLI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

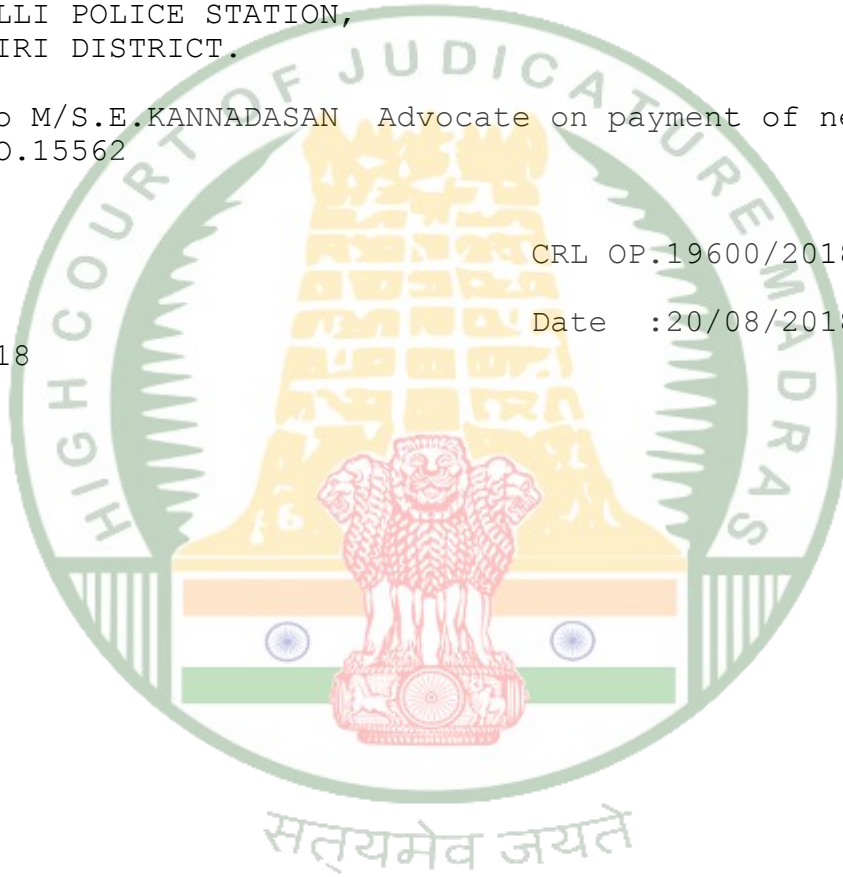
4 THE INSPECTOR OF POLICE,
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.15562

CRL OP.19600/2018

Date :20/08/2018

CSL/24.08.2018



WEB COPY