

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.28403 of 2018

1.Lingam
2.Kuppu
3.Ayyappan
4.Kala

...Petitioners / Accused 2 to 5

-Vs-

The Station House Officer, AWPS,
Villupuram. (Crime No.23/2018) ...Respondent / Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to modify the order dated 09.11.2018 in Cr1.M.P.No.7464 of 2018 pending before the Sessions Court, Villupuram.

For Petitioners : Mr.K.Chandru

ORDER

This criminal original petition has been filed seeking to modify the condition imposed by the Court below, while allowing a petition filed by the petitioners seeking for Anticipatory Bail.

2. The petitioners are the in-laws and based on the complaint given by the wife, the respondent police have registered an FIR under Section 498(A), 323, 294(b) and 506(ii) of IPC r/w Section 4 of the Dowry Prohibition Act and Section 34 of IPC. The petitioners filed an Anticipatory Bail petition before the Court below, since they were apprehending arrest by the respondent police.

3. The Court below, while considering the petition was pleased to grant anticipatory bail to the petitioners, however, the Court below had imposed certain condition. The petitioners are aggrieved by the condition wherein they were directed to make a cash deposit of Rs.50,000/- each before the Court below.

4. The learned counsel for the petitioners would submit that the Court below ought not to have imposed such a condition and the same is not warranted on the facts of this case. The real dispute is between the defacto complainant and her husband and these petitioners have been roped in the case only, because they are the in-laws. The learned counsel would further submit that the condition imposed by the Court below goes against the Judgment of this Court in 2014(2) MLJ (Cr1) 203. Therefore, the learned counsel would submit that the cash security imposed as a condition by the Court below requires interference by this Court.

5. In the facts and circumstances of the case, this Court is of the considered view that the Court below should not have imposed a condition of cash security against these petitioners. These petitioners are only the in-laws and the condition imposed by the Court below is onerous. Therefore, this Court has to necessarily interfere with the condition imposed by the Court below.

6. In the result, the condition imposed by the Court below to the effect that each of the petitioner has to deposit a sum of Rs.50,000/- is hereby set aside. The other conditions imposed by the Court below shall stand as it is.

7. Accordingly, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CO)

//True Copy//

rna Sub Assistant Registrar

To

1.The Judge,
The Sessions Court,
Villupuram

2.The Station House Officer, AWPS,
Villupuram.

3.The Public Prosecutor,
High Court, Madras

+1 cc to Mr.K.Chandru, Advocate, S.R.No.83344

Cr1.O.P.No.28403 of 2018

VGI(CO)
SSM(26/12/2018)