

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17841 of 2019

1 S.KUMARASAN
2 S.SANTHAMANI

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
AVANASHI POLICE STATION,
TIRUPUR.
CR.NO.365 OF 2019

[RESPONDENT]

For Petitioner : J.FRANKLIN Advocate

For Respondent : MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

PETITION FOR ANATICIPATORY BAIL 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 offences punishable under Sections 294(B), 323, 506(i) of IPC in Crime No.365 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant one Sathya wife of the first petitioner lodged a complaint stating that she got married with the first petitioner 26.02.2018 from the date of marriage onwards the petitioner demanded dowry and tortured the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent person and they were not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that there was a family dispute between the petitioners and the defacto complainant and the victim has been discharged. However, she vehemently opposed to grant anticipatory bail to the petitioners.

5.Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate, Avanashi on condition that each 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, failing which, the petition for anticipatory bail shall stand 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner alone shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation and other petitioner 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 petitioners 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

08/07/2019

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,
<https://hcservices.ecourts.gov.in/hcservices/>
AVANASHI

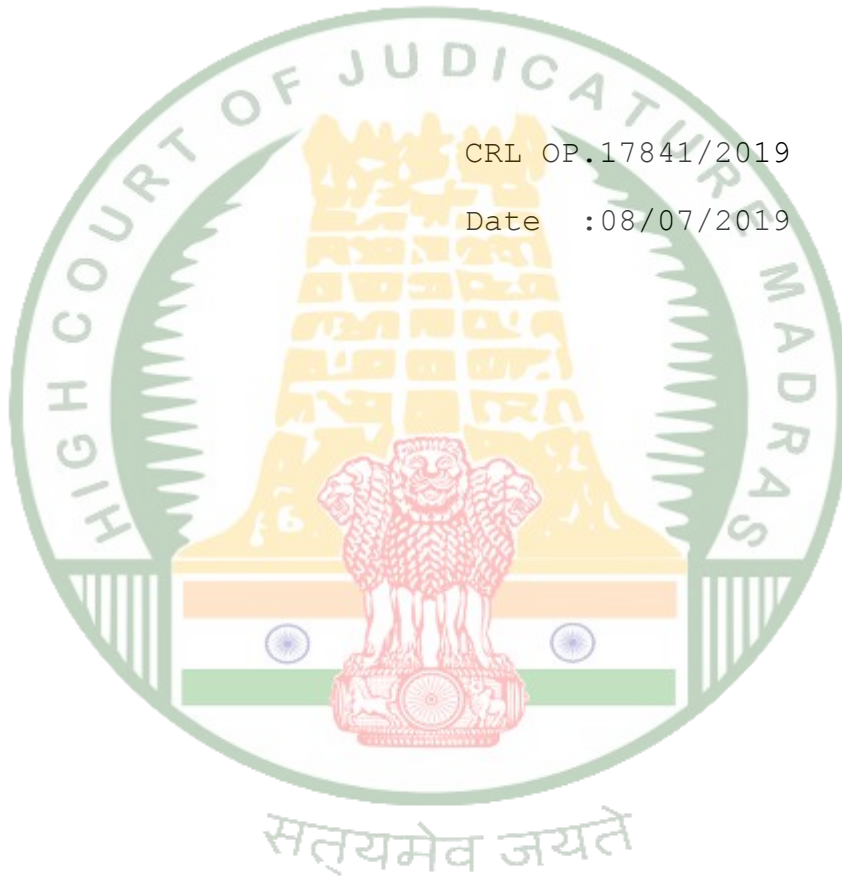
2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVANASHI POLICE STATION,
TIRUPUR.

+1 CC to J.FRANKLIN Advocate on payment of necessary charges
SR.NO. 13723

RD 12/07/2019



CRL OP.17841/2019

Date :08/07/2019

WEB COPY