

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3632 & 3685 of 2019

1.E.Murugan ... Petitioners in CRL.O.P.No.3632 of 2019

2.M.Babyrani

3.M.B.Mendha

M.Ambe ...Petitioner in Crl.O.P.No.3685 of 2019

Vs.

State rep.by ...Respondent/Complainant in both Crl.O.P's

The Inspector of Police,

All Women Police Station Madipakkam

13, Big Street,

Arulmurugan Nagar Extension,

Ranga Nagar,

Keelkattalai

Chennai-600 117.

[Crime No.2 of 2019]

Common Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of his arrest by the respondent police in Crime No.2 of 2019 on the file of the respondent police.

For Petitioners : Mr.Balan Haridas
in both Crl.O.P's

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
in both Crl.O.P's

COMMON ORDER

(These cases have been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 498 A and 506(1) of IPC, in Crime No.2 of 2019, on the file of the respondent, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz.,Sulekha is that she got married to the first accused/Ambe on 09.02.2014. The further allegation is that her husband and in-laws harassed her by demanding dowry. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioner in Crl.O.P.No.3685 of 2019 is the husband of the defacto complainant and the petitioners in Crl.O.P.No.3632 of 2019 are the in-laws. He would further submit that due to matrimonial dispute, a false complaint has been given against them. He would further submit that since it is a matrimonial dispute, this Court had referred the matter to the Mediation Centre, attached to this Court. He would further submit during the Mediation, the parties have settled the matter between themselves and they have also entered into a compromise and Memo of Compromise to that effect has been filed before this Court. He would further submit that pursuant to the compromise, the the petitioner in Crl.O.P.No.3685 of 2019 /1st accused herein has paid a sum of Rs.27,00,000/- (Rupees Twenty Seven Lakhs only) as one time settlement to the defacto complainant and the minor child. He would further submit that they have also filed a petition before the Family Court for divorce by mutual consent. Thereafter, the Family Court has passed a decree for divorce on 12.10.2020. Further, both the parties have agreed to file necessary applications before this Court to quash the criminal cases pending against them. Therefore, he prays for grant of anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that due to matrimonial dispute, a complaint has been given against the petitioners. He would further submit that the matter was earlier referred to the Mediation Centre, attached to this Court. Therefore, he came to understand that the matter has been compromised between the parties.

5. Taking into consideration of the facts and submissions made by the learned Counsels and also considering the fact that the matter has been settled between the parties, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate, Tambaram, Chennai**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with one surety, 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 dismissed and on further condition that:

[a] the petitioners and the surety shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aaksa-2ar card or Bank pass Book to ensure their identity.

[b] **the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, these Criminal Original Petitions are ordered.

-sd/-

03/11/2020

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,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

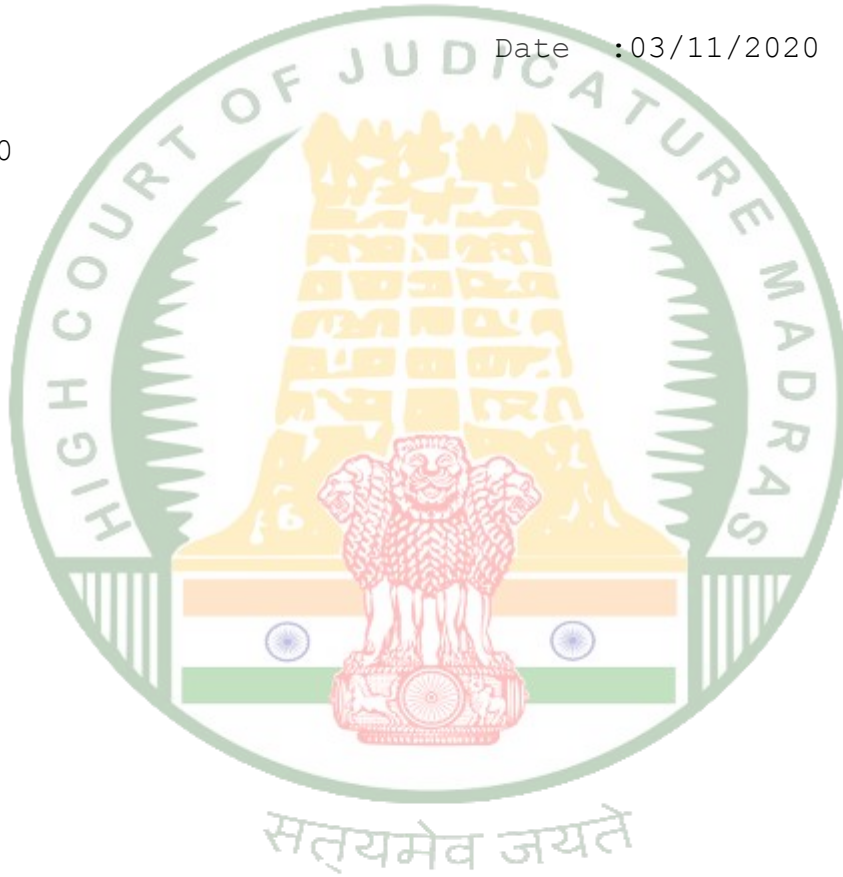
4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MADIPAKKAM,
13, BIG STREET,
ARULMURUGAN NAGAR EXTENSION,
RANGA NAGAR, KEELKATTAL,
CHENNAI-600 117.

+1 CC to M/S.BALAN HARIDAS Advocate on payment of necessary
charges SR.NO.7282

CRL OP.3632 & 3685/2019

Date :03/11/2020

TA-06/11/2020



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