

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.3918 of 2020

1 KUPPUSAMY
2 RANJANI
3 SARAVNAN
3 RAMESH

[PETITIONERS / ACCUSED]

Vs

[RESPONDENT]

THE STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN OPOLICE STATION,
TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT,
CRIME NO.02/2020

For Petitioner : M/S. B.JAWAHAR Advocate

For Respondent : MR. K.PRABAKAR, Additional Public Prosecutor.

For Intervener : MR.M.KRISHNAMOORTHY Advocate

PETITION FOR ANTICIPATORY 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 498(A), 420, 354, 354(A)(ii), 323, 506(i) IPC r/w Section 4 of D.P. Act, in Crime No.02 of 2020, seek anticipatory bail.

2. The case of the prosecution is that as per the defacto complainant viz., Arulmozhi is that the marriage between her and A1 was conducted suppressing that A1 was impotent and further allegation is that the petitioners who are the parents and brothers of A1, demanded a dowry and committed cruelty to her. Hence, the complaint.

3. The learned counsel for the petitioners would submit a false complaint has been given due to a matrimonial dispute and misunderstanding between the de-facto complainant and A1. He would further submit that there was incompatibility between A1 and the defacto complainant and now it is stated that impotency was suppressed. He would further submit that A1 has already been arrested and enlarged on bail. He would further submit that based

on the complaint given on 14.02.2020 and even without referring the matter to the Social Welfare Officer the respondent has registered the case..

4. The learned Additional Public Prosecutor would submit that because suppressing that he was impotent A1 married the de-facto complainant and thereafter committed cruelty on the de-facto complainant demanding further dowry.

5. The learned counsel appearing for the intervenor would vehemently oppose stating that the petitioners who are the parents and brothers of the main accused, who are aware of the medical condition have suppressed the fact of impotency of A1 and the defacto complainant was married to A1 and thereafter, they have demanded dowry and car from the de-facto complainant.

6. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 is made ready, before the learned Judicial Magistrate-I, Tiruvannamalai, on condition that each of the petitioners shall execute 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 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 conditions 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 Aadhaar card or Bank pass Book to ensure their identity.

[b] the petitioners 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.

[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 229-A IPC.

-sd/-
10/03/2020

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,
NO.I, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 INSPECTOR OF POLICE, ALL WOMEN POLICE
STATION, TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. B.JAWAHAR Advocate on payment of necessary
charges SR.NO. 4861

सत्यमेव जयते

WEB COPY

CRL OP.3918/2020

RD 20/03/2020
rd 04/06/2020

Date :10/03/2020