

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.4978 of 2020

1 SELVARASU [PETITIONERS / ACCUSED]
2 BATHMA
3 KANIMOZHI
4 SARAVANA SABARINATHAN

Vs

THE STATE REP BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANARGUDI
(CRIME NO. 02/2020)

For Petitioner : M/S. D.PADMANABHAN Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

- 1.The Petitioners herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 352 and 498A of of IPC read with 4 of the Tamil Nadu Women Harassment Act, in Cr.No.02 of 2020, have filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution as per the defacto complainant, are that the defacto complainant is the daughter in law of the Petitioners 1 and 2 and the 3rd Petitioner is the sister in law and the 4th Petitioner is the husband of the 4th Petitioner. After the marriage of the defacto complainant with the son of the Petitioners 1 and 2, they went to USA and out of their wedlock, a male child was born. When they came back to India in 2018, the Petitioners have harassed the defacto complainant, by demanding dowry. Hence, the Petitioners have been implicated as A2 to A5 respectively, in the case on hand.
- 3.This court heard the learned counsel for the Petitioners and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.

4. According to the Petitioners, the Petitioners are innocent. After the marriage of the defacto complainant with the son of the Petitioners 1 and 2, they went to USA and out of their wedlock, a male child was born. When they came back to India in 2018, matrimonial dispute arose between them, due to which, the Petitioners have been falsely implicated in the case on hand. Even before the matter was being referred to the District Social Welfare Officer, the case had been registered against them, as if they committed cruelty on her. The Petitioners would abide by any conditions to be imposed by this Court for enlarging the Petitioners on anticipatory bail.
5. On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that the Petitioners have harassed the defacto complainant by demanding dowry and causing cruelty.
6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioners, however, on stringent conditions. Accordingly, the Petitioners are hereby ordered to be released on anticipatory bail, in the event of their arrest or on their appearance before the Judicial Magistrate I, Mannargudi, within 15 days from the date of receipt of a copy of this order and further on each of the Petitioners complying with the following conditions, without fail:-
- i. If the Petitioners fail to surrender before the Judicial Magistrate I, Mannargudi, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.
 - ii. Each of the Petitioners 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 Judicial Magistrate I, Mannargudi. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.
 - iii. 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, until further orders.
 - iv. The Petitioners shall not abscond either during the investigation or the trial. The Petitioners shall not tamper with evidence or witness, either during the investigation or the trial.

v. On breach of any of the aforesaid conditions, the concerned 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 are released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in **2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala)**.

vi. If the Petitioners, thereafter, abscond, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-
16/03/2020

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, MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANNARGUDI.

+1CC to M/S. D.PADMANABHAN Advocate on payment of necessary charges SR NO.5108

CRL OP.4978/2020

Date :16/03/2020

MK:20/03/2020