

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6545 of 2020

1.Vanaja
2.Jeyalakshmi
3.Ganesh
4.Murugesan

... Petitioners

Vs.

The State Rep by its
The Inspector of Police,
AWPS, St. Thomas Mount Police Station,
Chennai.
Crime No.7 of 2019.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.7 of 2019 on the file of the respondent police.

For Petitioner : Mr. T.S. Kani

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 406, 506(1) read with Section 4 of the Dowry and Prohibition Act, 1961 in Crime No. 7 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Veeralakshmi is that she married the first accused Rajkumar on 25.05.2014 and due to the wedlock, the defacto complainant delivered a female child on 01.03.2015. After the birth of the child, A1 or his relatives did not come to see her child. Thereafter, Panchayat was conducted and that the defacto complainant was sent along with A1. The further allegation is that the first accused and his relatives had taken her jewels and mortgaged in the bank. Further they have also taken money from her

and did not return the money as well as the jewels. While so, to her shock the accused have told her that A1 has got connection with one Vanaja and living with her and that if only she gives more money, she will be allowed to live with A1. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and due to matrimonial dispute, a false complaint has been given. He would further submit that earlier the petitioners had approached this court by filing a petition seeking anticipatory bail in CrI.O.P.No.32030 of 2019 and this Court by order dated 06.12.2019 had granted anticipatory bail. However, since the petitioners are settled in difference places, due to miscommunication they were unable to execute sureties within the time stipulated by this Court and thereby, the earlier order got lapsed automatically. Hence, the present application has been filed seeking for anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the defacto complainant got married to the first accused Rajkumar during the year 2014 and that they have got one female child. The first accused had received jewels and money from the defacto complainant and did not return them and cheated her. Further, the petitioners who are the relatives of the first accused, had harassed the defacto complainant and also demanded money from her. He would further submit that the petitioners were already granted anticipatory bail by this court in CrI.O.P.No.32030 of 2019 by order dated 06.12.2019 and that they did not surrender before the Court and execute sureties within the time fixed by this Court and thereby the earlier order automatically got lapsed.

5. Taking into consideration the above facts and submissions of the learned Counsels and the fact that the petitioners were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the **1st petitioner** is ordered to be released on bail in the event of arrest or on his appearance, **within a period of fifteen days from the date on which the copy of this order is made ready**, before the **learned Judicial Magistrate, Alandur, Chennai** on condition that the 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 dismissed and;

7. **the petitioners 2 to 4** 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 of receipt of a copy of this order**, before the **learned Judicial Magistrate, Tenkasi**, 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 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 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
16/09/2020

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,
ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

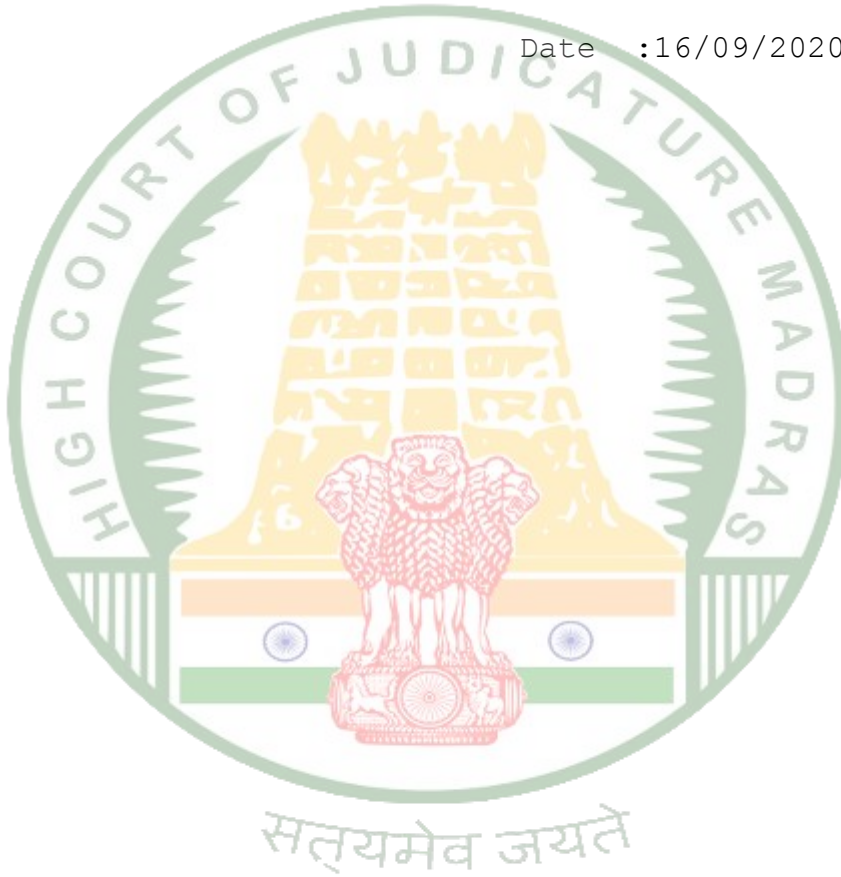
4 THE INSPECTOR OF POLICE,
AWPS, ST. THOMAS MOUNT POLICE STATION,
CHENNAI.

+2 CC to M/S. T.S.KANI Advocate on payment of necessary
charges SR.NO.6289

CRL OP.6545/2020

Date :16/09/2020

TA-12/10/2020



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