

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.6884 of 2020

1.Bhakkiyaraj
2.Balasaraswathi
3.Mariyappan
4.Vengatraman

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
All Women Police Station
Mayiladuthurai
Nagapattinam District.

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.8 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Arun

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 498(A), 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.8 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Ramya is that the marriage between the first petitioner and the de-facto complainant took place on 13.05.2018 and they have one male child. Further, the allegation is that the petitioners harassed the de-facto complainant demanding dowry and also committed cruelty on her.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and due to matrimonial dispute, a false complaint has been given. In the meanwhile, parties have compromised between themselves and now the matter has been settled. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the marriage between the de-facto complainant and the first petitioner took place on 13.05.2018 and they have one male child. Thereafter, the petitioners harassed the de-facto complainant demanding dowry.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before **the learned Judicial Magistrate No.II, Mayiladuthurai, Nagapattinam**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the 1st petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, on every Monday at 10.30 a.m until further orders.

[d] the petitioners 2 to 4 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.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

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

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

-sd/-

24/09/2020

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 NO.II,
MAYILADUTHURAI, NAGAPATTINAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MAYILADUTHURAI,
NAGAPATTINAM DISTRICT.

CC to M/S. D.ARUN Advocate on payment of necessary charges

CRL OP.6884/2020

Date :24/09/2020

MK:01/10/2020