

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENATESH

Criminal Original Petition No.8478 of 2020

1.Kirupakaran
2.Dhanalakshmi
3.Backiyam
4.Nesamani

...Petitioners/A1 to A4

/versus/

The State by Inspector of Police, ...Respondent/Complainant
All Women Police Station,
Ammamet, Salem City.
Crime No.08/2020.

Prayer: Criminal Original Petition has been filed under Section 438 of Cr.P.C., to grant Anticipatory Bail to the petitioners in the event of arrest or their appearance before any Court in connection with case in Crime No.08 of 2020 pending investigation on the file of the respondent police.

For Petitioners :Mr.R.Prabakar

For Respondent :Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 498A of Indian Penal Code 1860 and Section 4 of Dowry Prohibition Act, 1961 in Crime No.08 of 2020 on the file of the respondent police, seek Anticipatory Bail.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent Police.

3.Considering the facts and circumstances of this case and also the specific stand taken by the respondent Police to resort to the procedure under Section 41A of the Code of Criminal Procedure, this Court directs the respondent Police to follow the procedure set out in Section 41A of the Code of Criminal Procedure. The respondent Police shall issue an appearance notice to the accused in the form and manner set out in the proceedings of the Director General of Police, Tamil Nadu, viz., the Circular Memorandum in RC.No.000252/Crime 4(2)/2019 dated 30.01.2019, as amended vide

Circular Memorandum RC.No.000252/Crime 4(2)/2019 dated 07.02.2019. The petitioners shall comply with the terms of the notice and shall also co-operate with the investigation.

4.If the petitioners comply and continue to comply with the terms of the notice, they shall not be arrested for the offences referred to therein. If, however arrest is deemed necessary, after the appearance of the petitioners, the Investigation Officer shall record reason for such an eventuality as contemplated under Section 41A (3) of the Code of Criminal Procedure, and shall adhere to the directions set out by this Court in State .Vs. Nakeeran Gopal reported in [2019 1 LW (Cr1.) 26]

5. If the petitioners evade service of appearance notice or fail to comply with the terms of the notice or appear to be unwilling to identify themselves when called upon, it shall be open to the respondent Police to proceed under Section 41A(4) of the Code of Criminal Procedure, to arrest the accused.

6.This Criminal Original Petition is disposed of with the aforesaid direction.

-sd/-

11/06/2020

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 ADDITIONAL MAHILA COURT,
SALEM.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMMAPET, SALEM CITY.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.PRABAKAR Advocate on payment of necessary charges

CRL OP.8478/2020

Date :11/06/2020