

IN THE HIGH COURT OF JIUDICATURE AT MADRAS

DATED : 17.06.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.8779 of 2020

1. N. Nirmal Kumar

2. N. Kalyani

.. Petitioners

Vs.

State represented by
The Inspector of Police, W-13,
All Women Police Station,
Washermenpet, Chennai.
(Crime.No.8 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime.No.8 of 2020 on the file of the respondent.

For Petitioners : Mr. S.Sugendran

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

ORDER

The petitioners who apprehend arrest at the hands of the respondent Police for alleged offences under Section 498-A, 406, 506 (i) r/w under Section 4 of Tamil Nadu Women Harassment act and Section 6 of Dowry Prohibition Act in Crime No.8 of 2020, has filed this petition seeking for 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 complies and continues 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 (Crl.) 26].

5. If the petitioners evade service of appearance notice or fails to comply with the terms of the notice or appears 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.

This Criminal Original Petition is disposed of with the aforesaid directions.

-sd/-
17/06/2020

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 INSPECTOR OF POLICE,
W-13 ALL WOMEN POLICE STATION, सत्यमेव जयते
WASHERMENPET, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.8779/2020

Date :17/06/2020

rd 28/07/2020