

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.9905 of 2020

1.Prabakaran
2.Annamalai
3.Menaka
4.Aiswarya

...Petitioners/A1 to A4

Vs.

The State rep by
The Inspector of Police,
All Women Police Station,
Bargur,
Krishnagiri District.
Crime No.1 of 2020.

...Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Crime No.1 of 2020 on the file of the respondent police.

For Petitioners : Mr.D.Rajagopal

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

ORDER

The Petitioners who are apprehending to arrest by the respondent police for the offences punishable under Sections 498(A), 294(b), 506(i) of IPC in Crime No.1 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that there was a quarrel/family dispute between the petitioners and the defacto complainant and it is alleged that the petitioners demanded the dowry and uttered obscene words against the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. After issuance of legal notice for divorce only, the defacto complainant lodged a complaint before the respondent police. Only under ulterior motive, the case has been foisted as against the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the marriage took place between the first petitioner and the defacto complainant 1 ½ years back. First petitioner is the husband and other petitioners are in-laws of the defacto complainant. The petitioners are harassing the defacto complainant and demanded dowry from her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 from the date on which the order copy made ready, before the learned **Judicial Magistrate, Pochampalli**, on condition that each of the petitioners shall execute 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 first petitioner 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 and the other 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. Accordingly, this Criminal Original Petition is ordered.

-sd/-
02/07/2020

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,
POCHAMPALLI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BARGUR, KRISHNAGIRI DISTRICT.

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

CRL OP.9905/2020

Date :02/07/2020

TA-29/07/2020

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