

HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P. No. 10011 of 2020

1.Vasanthakumari
2.Seethalakshmi

... Petitioners

Vs.

State rep.by,
The Inspector of Police,
A.W.P.S. Thirumangalam,
Chennai District
Crime No. 10 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 respect of Crime No. 10 of 2020 on the file of the Inspector of Police A.W.P.S., Thirumangalam, Chennai District and thus render justice.

For Petitioners : Mr.A.M.Natraj

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

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 498(A), 306, 116 of IPC and Section 4 of Dowry Prohibition Act 1961 in Crime No.10/2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that his sister was married to the first accused one Senthilnathan on 23.06.2019, thereafter, due to demand of dowry, his sister was driven out of the matrimonial home. Even thereafter, the accused continued the harassment due to which, the sister of the defacto complainant attempted suicide by jumping from the first floor of their house resulting in sustaining serious injuries and fracture of leg.

3. The learned counsel for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are respectively mother and sister of the first accused and they are residents of Punruti. The marriage between the son of the first petitioner and defacto complainant sister took place on 23.06.2019 and due to incompatibility they have

separated and the victim was living in her parental home at Chennai and due to the reasons best known she had jumped from the first floor resulting in sustaining injuries in her fracture of legs and that the son of the first petitioner was arrested and later he has been released on bail.

4. The learned Additional Public Prosecutor would submit that the petitioners are respectively mother and sister of the first accused. The marriage between the defacto complainant's sister and the first accused took place on 23.06.2019 and due to constant harassment on account of demand of dowry, the victim was driven out of the matrimonial home and they were separated and while she was living at Chennai in her parents house, the first accused had harassed her over phone and she had jumped from the first floor with an intention to commit suicide and she had sustained fracture. Injured discharged.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, I am inclined to grant anticipatory bail to the petitioners with certain conditions. 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 Additional Mahila Court, Egmore, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of 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

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
07/07/2020

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 ADDITIONAL MAHILA COURT,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
A.W.P.S. THIRUMANAGALAM,
CHENNAI DISTRICT,

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

CRL OP.10011/2020

Date: 07/07/2020

GKS (CS) : 07/08/2020

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