

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.10991 of 2020

1. Selvaraj
2. Mohanraj @ Mohan
3. R. Jeyanthi
4. Raj @ Rajendran
5. Siva @ Sivashakthi

... Petitioners/A2, A4 to A7

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station (AWPS),
Kangayam, Tiruppur District.
Crime No.6 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 Connection with the Crime No.6 of 2020 pending on the file of the respondent police.

For Petitioners : Mr. K. T. S. Sivakumar

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

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 376, 312, 313, 498(A) and 506(ii) of IPC in Crime No.6 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Vanisri is that A1 in this case namely Sivanesan, on the assurance of marrying the defacto complainant had physical relationship with her during the year 2019 due to which, she became pregnant. On 11.01.2020 A1 had taken the defacto complainant to a doctor and aborted her foetus and thereafter he refused to marry her. Therefore, a complaint was given by the defacto complainant to the respondent police following which, A1 married the defacto complainant on 21.01.2020. Thereafter on 26.01.2020, when A1 had taken the defacto complainant to his house, the other accused who are the parents and relatives of A1, have intimidated her saying that she should bring 15 sovereigns of jewels and cash of Rs.5,00,000/- and a car and they also attempted to cause abortion to her. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they are the parents and relatives of A1 and that they were not aware of the relationship between the defacto complainant and A1. The defacto complainant was having a relationship with A1 and thereafter they got married without the knowledge of the petitioners. Since there was a dispute between the defacto complainant and A1, a false complaint has been foisted against these petitioners. Hence, he prays for the grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that on the assurance of marrying the defacto complainant, A1 had sexual intercourse with her due to which, she became pregnant and thereafter he aborted her foetus and thereafter based on the complaint given by the defacto complainant, A1 had married her. Further he would submit that the petitioners who are the parents and relatives of A1 had prevented A1 to lead matrimonial life with the defacto complainant by demanding dowry and would submit that A1 has been arrested. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Kangayam, 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:

[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 every day at 10.30 a.m., for a period of one week and thereafter 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

24/07/2020

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,
KANGAYAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION(AWPS)
KANGAYAM, TIRUPPUR DISTRICT.

CC to M/S. K.T.S.SIVAKUMAR Advocate on payment of necessary charges

CRL OP.10991/2020

Date :24/07/2020

RVR 16/09/2020