

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11304 of 2020

Gowri
W/o. Shanmugam,
No.71, Nadu Street,
Mathur Village,
Madhurantakam Taluk,
Chengalpattu District.

... Petitione

/versus/

State represented by
The Inspector of Police,
All Women Police Station
Melmaruvathur,
Kancheepuram District,
(Crime No.01 of 2020)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.01 of 2020 on the file of Respondent Police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498 (A), 494 and 313 of IPC and Section 4 of Women Harassment Act 2000 and Sections 3,4,17 of POCSO Act in Crime No.1 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that she was married to A1. A1 along with the petitioner and other accused who are his relatives have constantly harassed the defacto complainant by demanding dowry. When the de-facto complainant conceived for second time, the petitioner and other accused have caused miscarriage to her. Thereafter, they have demanded dowry and driven her from the matrimonial home. Further, the accused joined together and have performed the second marriage of the defacto

complainant's husband with minor girl aged 17 years and the first accused committed sexual assault on the minor girl.

3.The learned counsel for the Petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that due to matrimonial dispute, the de-facto complainant left the matrimonial home and living with her parents and did not turn up till date. Further, when she demanded some lands from her husband, he refused for the same for which the present complaint is lodged by her in order to wreck vengeance against the husband and his family members. He further submitted that the petitioner is a relative of the other accused and only allegation is that the petitioner arranged a marriage between A1 and minor girl. He further submitted that the other accused were released on bail in CrI.O.P.No.10017 of 2020 dated 03.07.2020.

4.The learned Additional Public Prosecutor would submit that the defacto complainant is the wife of A1. A1 along with the petitioner and other accused harassed her and demanded dowry and all the accused have caused miscarriage to the de-facto complainant when she conceived for second time. He would further submit that the first accused have married a minor girl without the knowledge of the de-facto complainant and committed sexual assault on the minor girl. He would further submit that the respondent has secured the minor girl and recorded her statement.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Maduranthakam, on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall report before the respondent Police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 am until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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/-
20/08/2020

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,
MADHURANTAKAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELMARUVATHUR,
KANCHEEPURAM DISTRICT,

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

CRL OP.11304/2020

Date :20/08/2020

RD 09/09/2020