

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2020

CORAM :

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

CrI.O.P.No.11461 of 2020

1.K.Appasmanthitri

S/o.Kajamaitheen

2.K.Mahapunisha

W/o.Kajamaitheen

3.K.Kajamaitheen

S/o.Muhamud Iprahim

... Petitioners

Vs.

State rep. by its
The Inspector of Police,
AWPS Dharapuram Police Station,
Tirupur District.

Crime No.09 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on anticipatory bail pending investigation in Crime. No.09 of 2020 on the file of the respondent police.

For Petitioners : Mr.N.Stalin

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

O R D E R

(The 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 498(A), 294(b), 506(ii) IPC in Crime No. 09 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Parveen is that the first petitioner is her husband, second petitioner is her husband's brother-in-law and the third petitioner is father in law

of the defacto complainant. The first petitioner married the defacto complainant on 19.09.2019 and was taking care of her. Thereafter, the first petitioner stated drinking and in an drunken mood used to assault the defacto complainant and demanded dowry and thereafter driven her out from the matrimonial house. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the first petitioner married to the defacto complainant on 19.09.2019. Thereafter, due to incompatibility, the defacto complainant left the matrimonial house and gave a false complainant against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners harassed the defacto complainant by demanding dowry. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the 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 their arrest by the respondent police or on their appearance, within a period of fifteen days from the date of lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the Judicial Magistrate, Dharapuram, on condition that the petitioners 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 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 every monday at 10.30 a.m., until further orders.

The second and third petitioners 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.

[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.

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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

03/08/2020

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,
DHARAPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AWPS DHARAPURAM POLICE STATION,
TIRUPPUR DISTRICT.

CC to N.STALIN Advocate on payment of necessary charges

सत्यमेव जयते

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CRL OP.11461/2020
Date :03/08/2020

RD 02/09/2020