

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11672 of 2020

1.Kalaiselvi
2.Krishnamoorthy

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
AWPS-Panruti Police Station,
Cuddalore District.
Crime No.17 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of their arrest in Crime No.17 of 2020 pending on the file of the respondent police.

For Petitioners: Mr.S.Thirugnanam

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498A, 294(b) and 506(i) of IPC in Crime No.17 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the 1st accused and the defacto complainant took place on 13.07.2020 and thereafter, the 1st accused at the instigation of the present petitioners had demanded dowry from the defacto complainant and also harassed her for the same. Hence the complaint was registered as against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners have not demanded any money from the de-facto complainant at any point of time. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the accused persons harassed the de-facto complainant by demanding more dowry. He further submitted that the first accused is the husband of the defacto complainant and others are her in-laws. Hence, he vehemently opposed to grant 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 their arrest or on their appearance, **within a period of fifteen after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, before the **learned Judicial Magistrate Court-1, Panruti**, on condition that each of the petitioner 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 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.

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

-sd/-
05/08/2020

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-I,
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS PANRUTI POLICE STATION,
CUDDALORE DISTRICT.

+2 CC to M/S. S. THIRUGNANAM Advocate on payment of necessary charges SR.No 5879

CRL OP.11672/2020

Date : 05/08/2020

MN-20/08/2020

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