

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.12464 of 2020

1. R.Amirthalingam
2. K.Rajeswari

... Petitioners

Vs.

The State rep by
The Inspector of Police,
All Women Police Station,
Namakkal,
Namakkal District.
Crime No.20 of 2019

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.20 of 2019 on the file of the respondent police.

For Petitioners : M/s.B.Kumarasamy

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 294(b), 498 (A) and 506 (1) IPC, in Crime No.20 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she and A1 got married on 01.01.2017 and thereafter they both lived at Germany and returned to India on 24.06.2018 due to a problem between them at Germany and the first accused harassed the defacto complainant in Germany and the further allegation against the petitioners is that they refused to give back the jewels of the defacto complainant given at the time of marriage. Hence the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are the parents of A1 and the defacto complainant and A1 got married and settled at Germany. They came back to India due to a problem that had arisen out of

their incompatibility and the defacto complainant had taken back all her articles and that a false case has been foisted against them as if they had refused to give back the jewels of the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant and A1 got married on 01.01.2017 and thereafter they both lived at Germany and returned to India on 24.06.2018 due to a problem between them at Germany and the first accused harassed the defacto complainant in Germany and the further allegation against the petitioners is that they along with A1 had taken her jewels and refused to give back her jewels given at the time of marriage. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and that the petitioners are the parents of A1, 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 Additional Magistrate Court Magistrate level, Namakkal, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 daily at 10.30 a.m. for a period of one week and thereafter as and when required until further orders.

[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.

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

-sd/-

18/08/2020

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 ADDITIONAL MAGISTRATE COURT
MAGISTRATIAL LEVEL, NAMAKKAL

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NAMAKKAL,
NAMAKKAL DISTRICT.

+1 CC to M/S.B.KUMARASAMY Advocate on payment of necessary charges SR.NO. 5963

CRL OP.12464/2020

Date :18/08/2020

GKS:26/08/2020