

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.09.2020

CORAM

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

Cr1.O.P.No.12572 of 2020

1.Ayyakkan
2.Saroja
3.Dhanalakshmi

... Petitioners

Vs.

State rep.by
The Inspector of Police,
All Women Police Station,
Tambaram, Chennai.
(Crime No.09 of 2020)

... Respondent

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

For Petitioners : Mr.R.Prasadh

For Respondent : Mr.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 under Sections 498(A), 494, 406, 506(i) of IPC in Crime No.9 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 in the year 2014 and thereafter, the 1st accused at the instigation of the other petitioners had demanded dowry from the defacto complainant and also harassed her for the same. The further allegation is that the first petitioner married another girl namely Anu Radha on 26.07.2020, suppressing his earlier marriage. Hence the complaint was registered as against the petitioners.

3. The learned counsel for the petitioners submit that the petitioners have not demanded any money from the de-facto complainant at any point of time. He further submitted that the first petitioner is the husband and the second and third petitioners are the in-laws. The first petitioner had filed H.MO.P.No.683 of 2019, before the learned Judicial Magistrate No.I, Tambaram, to declare his marriage with the defacto complainant as null and void. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the marriage between the 1st accused and the defacto complainant took place in the year 2014 and 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 and also submitted that the first petitioner married another girl namely Anu Ramya suppressing his first marriage and he has also harassed the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned counsel appearing for the intervener vehemently opposed by stating that the marriage between the defacto complainant and the first petitioner took place on 07.09.2014. All the marriage expenses were made by the defacto complainant's family, at that time, 15 Sovereign of Gold ornaments and household articles worth about Rs.5,00,000/- were given to the petitioners. Further, during the year 2017, the first accused had demanded a sum of Rs.2,50,000/- from the defacto complainant's parents for developing his Gym and Boxing Club. Due to old age, the parents of the defacto complainant were unable to mobilize the funds. Thereafter, all the accused joined together and assaulted and harassed the defacto complainant. While the marriage was in subsistence, he had married another woman named Anu Ramya. When it was questioned by the defacto complainant and her parents, he sent a Whatsapp message stating that ".;fhjyp ,Uf;fpwj kiwf;Fwtd; rp';fps; bghz;lhl;o ,Uf;fpwj kiwf;Fwtd; jhd; Kul;L rp';fps;".

6. Considering the above facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, the petition is dismissed insofar as the first petitioner is concerned.

7. Insofar as the second and third petitioners are concerned, this Court is inclined to grant anticipatory bail subject to the following conditions.

8. Accordingly, the second and third petitioners are directed to be released on bail in the event of their 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 No.I, Tambaram, on condition that each of the petitioner shall execute a 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 second and third petitioners 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 a.m., 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.

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

-sd/-
28/09/2020

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,
NO.I, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

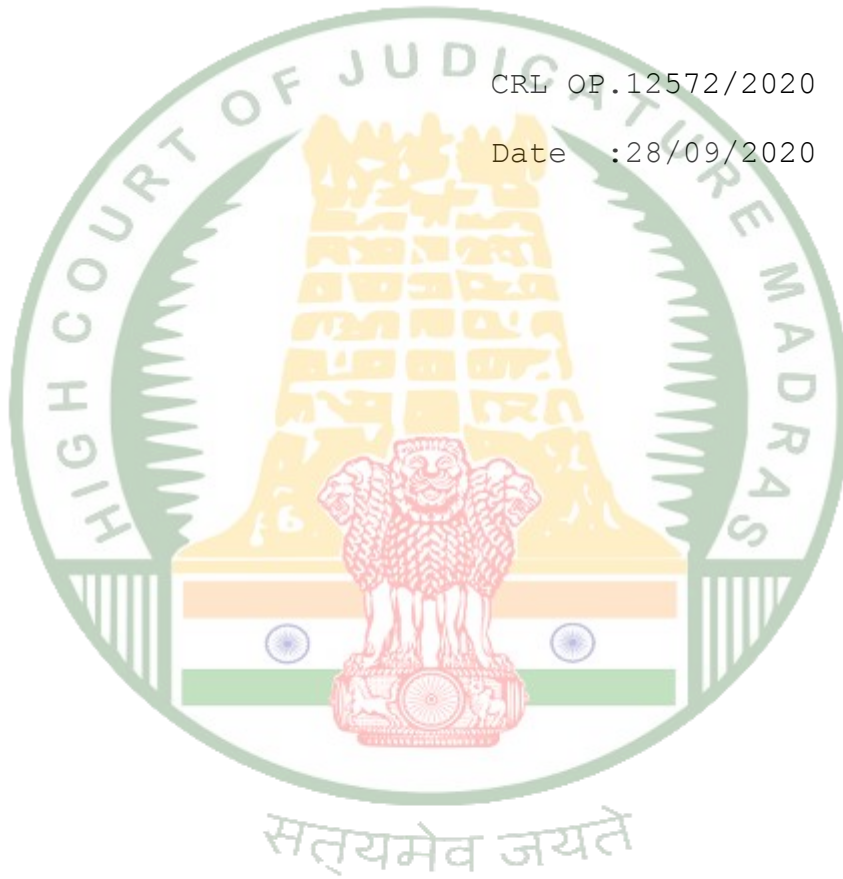
4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TAMBARAM, CHENNAI.

+1 CC to M/S.R.PRASADH Advocate on payment of necessary charges
SR.No.6502

CRL OP.12572/2020

Date :28/09/2020

cs 14/10/2020



WEB COPY