

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.12850 & 12836 of 2020

Crl.M.P.No.5116 of 2020

1.N.Kannappan

2.K.N.Meenal

... Petitioners in Crl.O.P.No.12850 of 2020

Anand Kannappan

... Petitioner in Crl.O.P.No.12836 of 2020

Vs.

The State Represented by,
All Women's Police Station,
W19, Adyar, Chennai-600 020.
(Crime No.10/2019)

... Respondent in both Crl.O.P's

Common Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.10 of 2019 on the file of the respondent police.

For petitioners : Mr.PR.Ajaykumar
in both Crl.O.P's

For Respondent : Mr.M.Mohamed Riyaz
in both Crl.O.P's
Additional Public Prosecutor

For Petitioner : M/s.R.Anitha
in Crl.M.P.No.5116 of 2020

COMMON ORDER

(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, 506(1) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1988 in Crime No.10 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 the marriage between the first accused/Anand Kannappan and the defacto complainant took place on 19.03.2018. Further allegation is that the first accused committed cruelty and harassed her and demanded dowry from her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioner in CrI.O.P.No.12836 of 2020 is the first accused and he was married to the defacto complainant on 19.03.2018. He would submit that due to matrimonial dispute, a false complaint has been given and subsequently, the matter has been compromised between the parties. Thereafter, a petition for mutual divorce has also been filed before the Family Court and the matter is posted for final orders on 30.03.2021. He would further submit that prior to the filing of FIR, the petitioner in CrI.O.P.No.12836 of 2020 has also paid an amount of Rs.6,00,000/- (Rupees Six Lakhs Only) to the defacto complainant and all the articles have also been returned to her. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the first accused is the husband of the defacto complainant and they got married on 19.03.2018. After marriage, the first accused harassed and demanded dowry from her. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervenor would submit that the petitioners harassed the defacto complainant and demanded dowry from her. However, now the settlement has been arrived between them and the petition for mutual consent has also been filed by the parties. He would further submit that both parties have filed a quash petition to quash the F.I.R.

6. 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;

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned IX Metropolitan Magistrate Court, Saidapet on condition that the petitioners shall execute a 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 petitioners shall report before the respondent Police 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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered. Consequently, connected miscellaneous petition is also closed.

-sd/-
18/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE METROPOLITAN MAGISTRATE
NO.IX, SAIDAPET.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

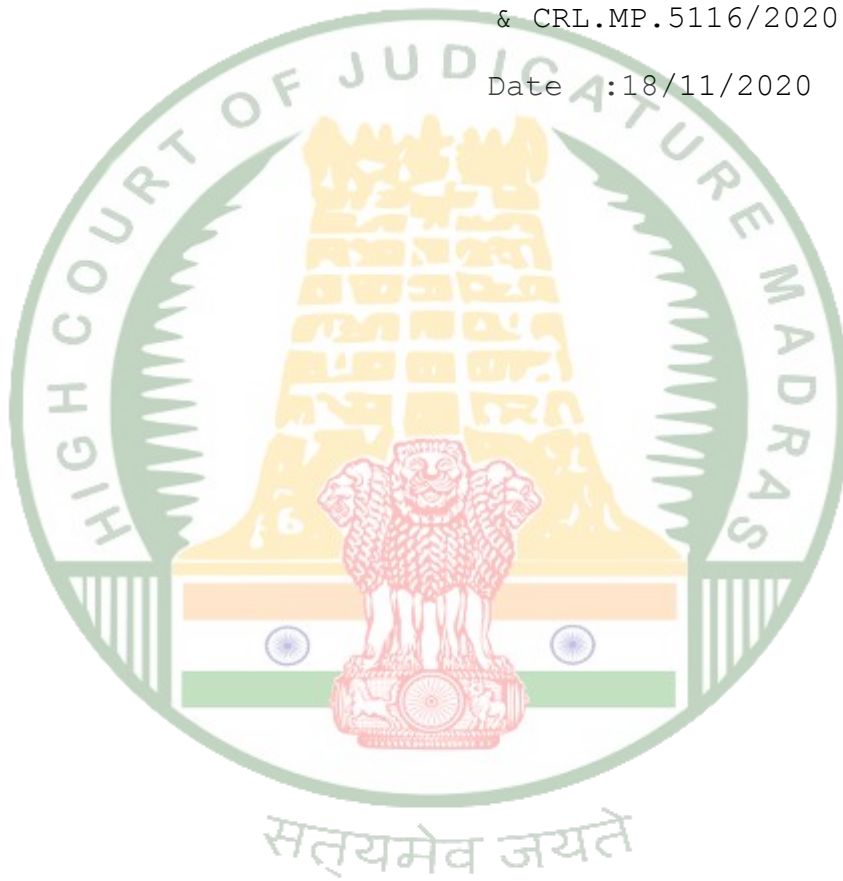
4 STATE REP. BY
ALL WOMENS POLICE STATION,
W19, ADYAR, CHENNAI-600 020.

+2 CC to M/S. PR AJAYKUMAR Advocate on payment of necessary
charges SR.Nos.7629 & 7662

CRL OPs.12850 & 12836/2020
& CRL.MP.5116/2020

Date :18/11/2020

cs 27/11/2020



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