

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

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

Crl.O.P.No.12827 of 2020

1.Mani
S/o.Duraisamy

2.Gandhimathi
W/o.Mani ... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Chengalpattu,
Chengalpattu District.
(Crime No.10 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail, in the event of their arrest in Crime No.10 of 2020, pending investigation on the file of the respondent police.

For Petitioners : Mr.K.Thenrajan
For Respondent : Mr.K.Prabakar
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), 406, 420, 307, 506(ii) and Section 4 of Dowry Prohibition Act in Crime No.10 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 2018 and thereafter, the 1st accused at the instigation of the other accused 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 submit that the petitioners have not demanded any money from the de-facto complainant at any point of time. He further submitted that the defacto complainant continuously harassed the petitioners by picking up

quarrel with the petitioner's son by suspecting his fidelity and demanding him to arrange for a separate home. He further submitted that the defacto complaint had given a complaint before the All Women Police Station, Poonamalle and thereafter enquiry was conducted and it was closed. During the pendency of the enquiry, they have filed an anticipatory bail petition before the District Court Thiruvallur in OLBP No.1220 of 2020 dated 16.07.2020 and the petitioners were granted Anticipatory bail. Thereafter, the de-facto complainant has given another complaint before the respondent police. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the accused persons harassed the de-facto complainant by demanding more dowry. She further submitted that the first accused is the husband of the defacto complainant and others are her in laws. He further submitted that the investigation is still pending. 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-II, Chengalpatu, 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 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 and the second petitioner 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.

[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/-

21/08/2020

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,
NO.II, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHENGALPATTU,
CHENGALPATTU DISTRICT.

CC to M/S.K.THENRAJAN Advocate on payment of necessary charges

सत्यमेव जयते

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CRL OP.12827/2020
Date :21/08/2020

RD 09/09/2020