

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13065 of 2020

1.Rajeshwari

2.Shanmugam

... Petitioners

Vs.

The State Rep.by,

The Inspector of Police,

All Women Police Station,

Melmaruvathur, Kanchipuram District.

Crime No.1 of 2020

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 482 Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Cr.No.1 of 2020 on the file of the respondent police.

For Petitioners : Mr.G.Senthil Kumar

For Respondent : Mr.M.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 punishable under Sections Sections 498(A), 494 and 313 of IPC and Section 4 of Women's Harassment Act 2000 and Section 17 of POCSO Act 2012, in Crime No.1 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that she was married to A1. A1 along with his family members have constantly harassed the defacto complainant by demanding dowry. When the de-facto complainant conceived for second time, A1 and his family members have caused miscarriage to her. Thereafter, they have demanded dowry and driven her from the matrimonial home. Further, A1 had performed the second marriage with minor girl aged 17 years and A1 committed sexual assault on the minor girl. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are the parents of the alleged 2nd wife. He would submit that the petitioners are villagers and that after their daughter attained majority, they have given their daughter in marriage to the A1. He would submit that they were not aware that A1 was earlier married and he would submit that A1 accused has been granted bail in CrI.O.P.No.11883 of 2020 and similarly placed other accused who have conducted marriage have also been granted anticipatory bail in CrI.O.P.No.11304 of 2020 on 20.08.2020.

4.The learned Additional Public Prosecutor would submit that A1, who is the married man and the defacto complainant is the wife of the A1. A1 who is the married man suppressing the earlier marriage, had matrimonial problem and he deserted his wife with child and thereafter, married the daughter of the petitioners.

5.Taking into consideration the facts and circumstances of the case, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate, Maduranthakam**, on condition that each petitioner shall execute a separate 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 am 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
27/08/2020

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,
MADHURANTAKAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELMARUVATHUR, KANCHEEPURAM DISTRICT.

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

CRL OP.13065/2020

Date :27/08/2020

MK:11/09/2020

WEB COPY