



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.13294 of 2020

1. Karunakaran ... Petitioners
2. Amul Latha

Vs.

The State Represented by, ...Respondent
The Inspector of Police,
Mamallapuram All Women Police Station,
Kancheepuram District.
(Crime No.12 of 2019)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioners in the event of their arrest in Crime No.12 of 2019 on the file of the respondent police.

For Petitioners : Mr. N.Naresh

For Respondent : Mr.M. Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The 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 417, 376 of I.P.C. and Sections 365, 366, 376(i), 376(ii)(n), 312, 506 (ii), 384, 417, 428 of I.P.C. and Section 4 of the Dowry Prohibition Act, in Crime No.12 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Parkavi is that A1 in this case has given false assurance of marrying her had committed sexual assaulted on her and later refused to marry her. The further allegation is that the petitioners, who are the parents of A1 had demanded dowry for conducting the marriage.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the A1 was arrested and later he has been enlarged on bail. However, the petitioners have nothing to do with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that A1 in this case has been given false promise of marrying the defacto complainant and had sexual assaulted on the victim and thereafter failed to marry her. He would submit that the petitioners, who are the parents of the A1 had demanded the dowry for conducting the marriage. He would submit that the A1 was arrested and later enlarged on bail. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that A1 has been enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Mahila Session Court, Chengalpattu, on condition that the petitioners 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 everyday at 10.30 a.m. for a period of two weeks and thereafter every Monday 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 petitioner 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.

With the above direction, this Criminal Original Petition is ordered.

-sd/-
31/08/2020

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 MAHIL SESSIONS COURT,
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.N.NARESH Advocate on payment of necessary charges
SR.NO.6079

CRL OP.13294/2020

Date :31/08/2020

TA-09/09/2020