

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.13534 of 2020

Thenmozhi

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
All Women Police Station,
East, Coimbatore,
Coimbatore District.
Crime No. 4 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.4 of 2020 on the file of the respondent police.

For Petitioner : M/s.K.Balasubramaniam

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

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 75(1)(c), 323, 498(A) and 506 (ii) IPC, in Crime No.4 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has filed a private complaint before the Additional Mahila Court, Coimbatore, in C.M.P.No.2172/2019, seeking the respondent to register a case as against the petitioner and four others stating that they have harassed the defacto complainant and demanded dowry of Rs.10 Lakhs. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner was earlier granted bail by this Court in Cr1.O.P.No.6075 of 2020 on 17.03.2020. However, before the order copy was received by the petitioner, the Courts were closed for lockdown and unable to surrender before the concerned Court. Hence, he prays for grant of anticipatory bail to

4. The learned Additional Public Prosecutor would submit that the petitioner and the other accused have harassed the defacto complainant and demanded dowry of Rs.10 Lakhs. Therefore, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there are no previous cases pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on her 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 Additional Mahila Court, Magistrate level, Coimbatore, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 petitioner 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 petitioner shall report before the respondent daily 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner 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.

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

-sd/-
02/09/2020

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 ADDITIONAL MAHILA COURT
(MAGISTRATE LEVEL), COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
EAST, COIMBATORE,
COIMBATORE DISTRICT.

+1 CC to M/S.K.BALASUBRAMANIAM Advocate on payment of necessary charges SR.No.6122

CRL OP.13534/2020

Date :02/09/2020

cs 09/09/2020