

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14668 of 2020

1.V.Mohana Kumari
2.Dr.P.Mohan

.. Petitioners

Vs.

The State rep. By
The Inspector of Police
W2 All Women Police Station
Triplicane, Chennai-600 005.
Crime No.03 of 2019

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.03 of 2019 on the file of the Inspector of Police.

For Petitioners : Mr.R.Selvakumar

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 offences punishable under Sections 498A and 406 IPC in Crime No.03 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Jeyasree is that she married one Vasanthan on 08.06.2016 and thereafter the defacto complainant and her husband were residents of US. The further allegation is that A1 along with petitioners, who are the parents of A1 have committed torture and demanded more dowry from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are parents of A1/one Vasanthan. The marriage between the son and the defacto complainant was solemnised on 08.06.2016 and thereafter both of them were living in USA and that there was a matrimonial dispute between them and that the defacto complainant has

filed a divorce petition before the Courts in USA and the General Court of Justice, District Court Division, State of North Carolina (Country of Mecklenburg) had granted a Decree of divorce on 09.12.2019, and the matter has been compromised between the parties. He would further submit that the petitioners are unnecessarily dragged in the issue. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are parents of A1/one Vasanthan and that the marriage between the defacto complainant and the said Vasanthan took place on 08.06.2016. The further allegation is that A1 along with petitioners committed cruelty and demanded dowry. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of their arrest or on their appearance, within a period of fifteen days from the date of commencement of the Court's normal functioning, before the learned Additional Mahila Court, Egmore, Chennai, on condition that each 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:

[b] 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.

[c] the petitioners shall report before the respondent police on the following two Saturdays at 10.30 a.m., after receipt of a copy of this order and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
29/09/2020

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,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W2 ALL WOMEN POLICE STATION,
TRIPPLICANE, CHENNAI-600 005.

+1 CC to M/S R.SELVAKUMAR Advocate on payment of necessary charges
SR.No.6570

CRL OP.14668/2020

Date :29/09/2020

cs 07/10/2020

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