

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.14715 of 2020

1. Manjula
2. Uma
3. Naleyendran
4. Mythili
5. Pradeep
6. Mahalakshmi

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
AWPS, Rural Salem,
Salem District.
(Cr.No.2 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.2 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.J.Franklin

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

ORDER

(This 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 147, 498 (A), 294 (b), 323 and 506 (ii) of IPC, in Crime No.2 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Soundarya is that the marriage between A1 and the defacto complainant was solemnised on 05.07.2018 and thereafter A1 had gone abroad and the allegation is that the petitioners, who are relatives of A1 harassed the defacto complainant by demanding dowry and she was driven out of the matrimonial home. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are relatives of A1 and after the marriage A1 had gone abroad for employment and the defacto complainant had refused to live with the in-laws and she went to her mother's home and refused to come to the matrimonial home and she had given a false complaint. He would

further submit that earlier this Court granted Anticipatory Bail to the petitioners in Crl.O.P.No.3121 of 2020 dated 13.02.2020 and before they could execute the sureties, the Courts were closed on the account of Covid 19 and the earlier order had lapsed. Therefore, they have filed the second petition.

4. The learned Additional Public Prosecutor would submit that the petitioners are in-laws and they have demanded dowry and harassed the defacto complainant and therefore she left the matrimonial home. He would further submit that A1 is the husband of the defacto complainant and he is presently working in abroad. However, he opposed the grant of 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 arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of the copy of the order, before the Additional Mahila Court, Salem, on condition that the each of 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 daily at 10.30 a.m., for a period of two weeks and thereafter as and when required.

[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.

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

-sd/-

23/09/2020

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
SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE
AWPS, RURAL SALEM, SALEM DISTRICT

CC to M/S. J.FRANKLIN Advocate on payment of necessary charges

CRL OP.14715/2020

Date :23/09/2020

RVR 07/10/2020

सत्यमेव जयते
WEB COPY