

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15156 of 2020

1.P.Barat Kumar
2.P.Sampuram
3.P.Naresh Kumar
4.N.Eswari

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
All Women Police Station
Tindivanam, Villupuram District.
Cr.No.10 of 2020

..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.10 of 2020 on the file of the respondent police.

For Petitioners : Mr.P.Dinesh 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 under Sections 498(A), 354, 506(i), 420, 406 of IPC and Section 4 of Dowry Prohibition Act 1961 and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998, in Crime No.10 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Kavitha is that she got married to the first accused on 02.05.2013 and they have no issues. Further, she came to understand that the first petitioner suppressing the fact that he is an impotent, had married her and later, misappropriated 40 sovereigns of gold, two kilograms of silver and sreedhana articles and further, demanded Rs.5,00,000/- as dowry.

3. The learned counsel for the petitioner would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the marriage between the de-facto complainant and the first petitioner took place on 02.05.2013 and she had deserted the first petitioner and gone to her parent's

house and thereafter, the first petitioner has sent a notice on 17.08.2020, seeking for restitution of conjugal rights. For the aforesaid notice, the de-facto complainant has sent a reply on 28.08.2020. Thereafter, a false complaint has been given by the de-facto complainant on 29.08.2020. Thereafter, the first petitioner has filed a divorce petition in HMOP No.78 of 2020 before the Principal Sub Court, Tindivanam and immediately, a false complaint has been given by the de-facto complainant.

4. The learned Additional Public Prosecutor would submit that the marriage between the de-facto complainant and the first petitioner took place on 02.05.2013 suppressing the fact that he was an impotent and the petitioners have also demanded dowry and harassed the de-facto complainant.

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 arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 Judicial Magistrate No.1, Tindivanam, 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 first petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioners 2 to 4 shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter, as and when required for interrogation.

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

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

[g] 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.R.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] 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/-

25/09/2020

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 JUDICIAL MAGISTRATE,
NO.I, TINDIVANAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TINDIVANAM, VILLUPURAM DISTRICT.

CC to M/S.P.DINESH KUMAR Advocate on payment of necessary charges Sr.6483

CRL OP.15156/2020

Date :25/09/2020

RVR 08/10/2020

सत्यमेव जयते

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