

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.15345 of 2020

1. Prakash
S/o. Kalaiselvan

2. Priyanka
D/o. Ravi

3. Karthik
S/o. Ravi

4. Amudha
W/o. Kalaiselvan

5. Ravi
S/o. Muniandi

6. Sumathi
W/o. Ravi

... Petitioners

Vs.

The State represented by
The Inspector of police,
All Woman Police Station,
Cuddalore.
Crime No.5 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.5 of 2020 on the file of the respondent police.

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 498 A, 506 (i) and 406 of IPC in Crime No.5 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant, is that the defacto complainant got married with the first petitioner on 30.06.2019 at Kathivakkam. At the time of marriage, the parents of the defacto complainant given Rs.10,00,000/- for marriage arrangements. While on the next day, the second petitioner who is the cousin of the first

petitioner slept near the first petitioner and when the same was questioned by the defacto complainant stating that the behaviour of the second petitioner with the first petitioner is improper, the accused had harassed her. When she had informed to the parents of the first petitioner, they have harassed her and committed cruelty and demanded Rs.3.5 lakhs as additional dowry. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons. Due to matrimonial dispute a false case has been given. He would further submit that the second petitioner is the cousin sister of the first petitioner and that the complaint had been given with false allegations against the family members. Since she did not like the first petitioner and she wanted to get out of the matrimonial life. The first petitioner is a professional photographer and the family members of the defacto complainant are politically influenced persons and a false complaint has been given only to get her out of the matrimonial home. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the marriage between the defacto complainant and the first petitioner took place on 30.06.2019. Immediately the petitioners demanded dowry and harassed the defacto complainant. He submits that the first petitioner had illegal relationship with the second petitioner. Hence, he opposed to grant of anticipatory bail to the petitioners.

5. Heard both sides.

6. On perusal of the available records, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which copy made ready, before the Judicial Magistrate No.2, Chidambaram on condition that the petitioners shall

execute a 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 first petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 am., until further orders. Petitioners 2 to 6 shall report before the respondent police every day 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 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 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.

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

07.10.2020

dh

Internet: Yes/No

Index: Yes/No

Speaking Order/Non Speaking Order

WEB COPY

To

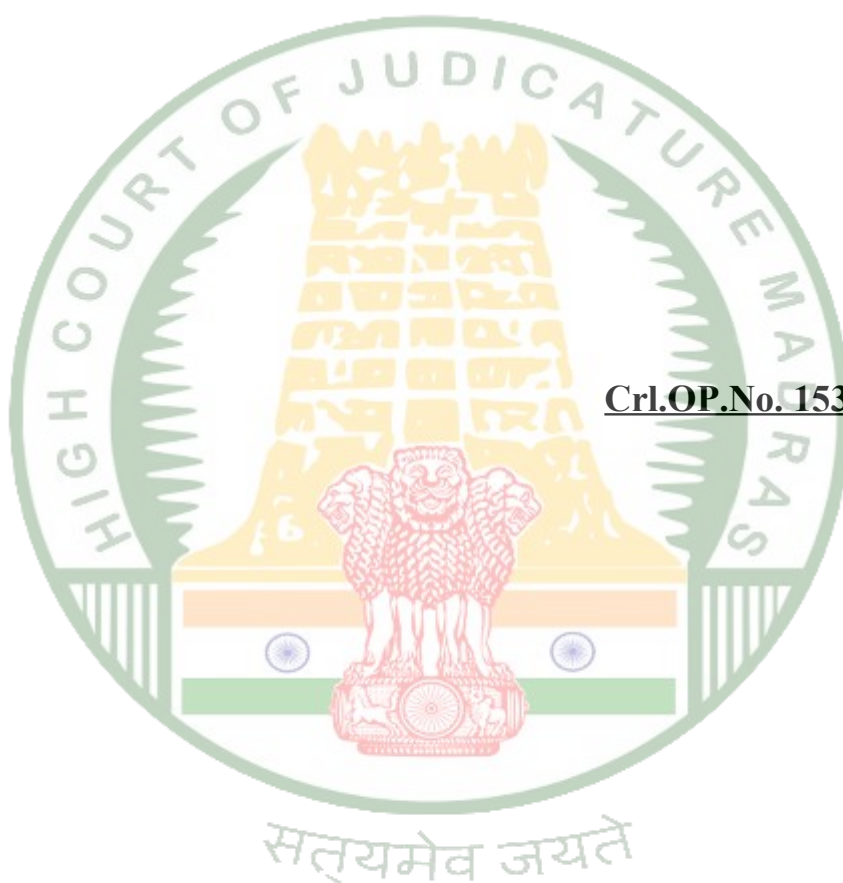
1. The Judicial Magistrate No.2,
Chidambaram
2. The Inspector of police,
All Woman Police Station,
Cuddalore.
3. The Public Prosecutor,
Madras High Court, Chennai.



WEB COPY

A.D.JAGADISH CHANDIRA, J

dh



Crl.OP.No. 15345 of 2020

WEB COPY **07.10.2020**

Crl.OP.No.15345 of 2020

A.D.JAGADISH CHANDIRA, J.

The matter is listed today under the caption for being mentioned.

2.The learned counsel appearing for the petitioner submitted that in the order passed by this Court in Crl.O.P.No.15345 of 2020 dated 07.10.2020, the address of the respondent has been stated as All Woman Police Station, Cuddalore instead of All Woman Police Station, Chidambaram, Cuddalore. Accordingly, prays for appropriate orders.

3.In view of the above submission so made by the learned counsel for the petitioner, Registry is directed to correct the respondent address as follows:

“State: Represented by,
The Inspector of Police
All Woman Police Station, Chidambaram
Cuddalore”

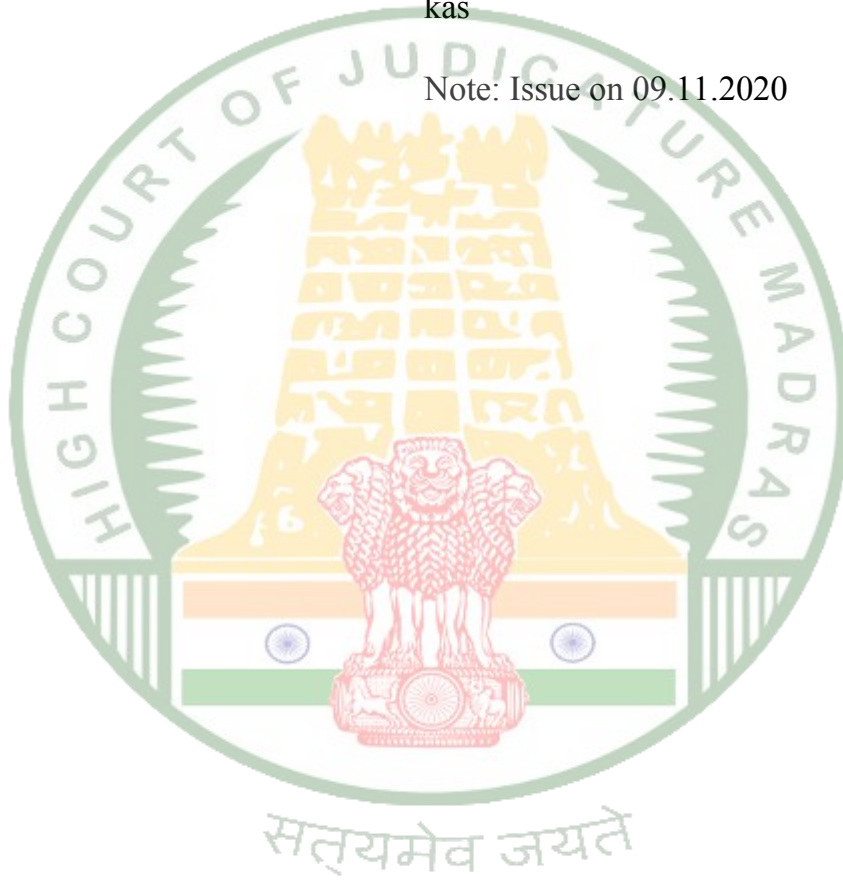
4.A further period of two

weeks is extended to comply with the conditions.

04.11.2020

kas

Note: Issue on 09.11.2020



WEB COPY