

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.15326 of 2020

1. Shanmugam
2. Pattu Rosa
3. Parimala
4. Jayaseelan
5. Shenbagavalli
6. Malathi

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Vaniyambadi, Vellore District.
(Crime No. 14 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No. 14 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. E.Kannadasan

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 alleged offences punishable under Sections 341, 294(b), 498 (A) & 506(ii) IPC in Crime No. 14 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 namely Geetha married one Kamalanathan/A1 and at the time of marriage seven sovereigns of gold jewels and cash of Rupees One lakh was given by her parents. After marriage, on 28.08.2020 at about 11.00 a.m, the defacto complainant's husband/A1 and other accused have joined together and harassed the defacto complainant stating reason that she did not give birth to the child. Hence the compliant.

3. The learned counsel for the petitioners would submit that the 1st and 2nd petitioners herein are the father-in-law and mother-in-law and petitioners 3,5&6 are Sister-in-Laws and the 4th petitioner herein is the husband of the defacto complainant. The learned counsel for the petitioners would further submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and due to matrimonial dispute, a false case has been foisted against them. The learned counsel would further submit that A1 was arrested and he was granted bail by the learned Judicial Magistrate, Tirupattur.

4. The learned Additional Public Prosecutor would submit that marriage between the defacto complainant and the 4th petitioner herein was solemnized on 10.11.2019. The petitioner herein have harassed the defacto complainant demanding dowry. As per the complaint made by the defacto complainant, her husband/A2 was arrested and later released on bail. There are no previous cases pending against the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that the 1st accused was released on bail, 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 his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.III, Tirupathur on condition that the petitioner 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 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 Police daily at 10.30 a.m., for a period of two (2) weeks and thereafter as and when required.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

8. 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 JUDICIAL MAGISTRATE,
NO.III, TIRUPATHUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VANIYAMBADI,
VELLORE DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.15326/2020

Date :29/09/2020

cs 08/10/2020