

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2020

Coram

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15790 of 2020

1.Ashokarathnam B ... Petitioners/2nd & 3rd accused
2.Lalitha B

vs

State rep. by ...Respondent
Inspector of Police,
W28 - All Women Police Station,
Ambattur, Chennai District.
(Crime No.12 of 2020
On the file of Inspector of Police)

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on anticipatory bail in the event of arrest in Crime No.12 of 2020 on the file of the respondent police.

For Petitioners : Mr.T.Benny Ebenezer

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 offences punishable under Sections 498A, 406 of IPC r/w under Section 4 of Tamil Nadu Prohibition of Harrassment of Women Act, in Crime No.12 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Swarna Rathinam is that the first accused is her husband and there was a matrimonial dispute between them. It is further alleged that A1 and other accused, who are the family members of A1 have demanded dowry and harassed her. Hence the complaint was registered.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that A1 is the son of the petitioners and there was a matrimonial dispute between the de-facto complainant and the first accused. Hence, a false complaint was given by the de-facto complainant. He would further submit that A1 was arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the marriage between the first accused and the de-facto complainant took place on 30.11.2017. The petitioners are in-laws of the de-facto complainant and they have demanded dowry and harassed the de-facto complainant. The first accused was arrested and released on bail. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that A1 was released on bail, 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 days from the date on which a copy of this order is made ready**, 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 Judicial Magistrate, Ambattur**, 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 daily at 10.30 a.m. for a period of two weeks and thereafter as and when required until further orders.**

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

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

-sd/-
06/10/2020

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W28 ALL WOMEN POLICE STATION,
AMBATTUR, CHENNAI DISTRICT.

+1 CC to M/S.T.BENNY EBENEZER Advocate on payment of
necessary charges SR.NO.6642

CRL OP.15790/2020

Date :06/10/2020

TA-14/10/2020

WEB COPY