

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.16260 of 2020

1. Selvi
2. C.Gunasekaran
3. Dhivya
4. A.Palanisamy

... Petitioners

vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Harur, Dharmapuri District.
(Cr.No.14 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.14 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.J.Bharathi Raja

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 498 (A), 506 (i) of IPC r/w. Section 4 of Dowry Prohibition Act, in Crime No.14 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant viz., Vasanthi is that she was married to one Sukumar / A1 and she lived with him only for three months. Thereafter, A1 demanded dowry from the de-facto complainant. Further, her husband/A1 had illicit relationship with another lady, when it was questioned by the de-facto complainant, she was tied and beaten up by A1. 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 first and second petitioners are mother and father of A1 and third and fourth

petitioners are sister and brother-in-law of A1. Due to matrimonial dispute, a false case has been given against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are parents, sister and brother-in-law of A1 respectively. The marriage between the first accused and the de-facto complainant was solemnized on 13.03.2019. Thereafter, he had illicit relationship with another lady and harassed her and also demanded dowry from her. He would further submit that the accused demanded additional dowry from the de-facto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the Intervenor would submit that the de-facto complainant married A1, who is a policeman, on 13.03.2019 and thereafter, he had illicit affair with another lady. Thereafter, A1 along with other accused harassed the de-facto complainant and demanded dowry.

6. 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;

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate, Harur, Dharmapuri, on condition that 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] petitioners 1 to 3 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders. Fourth petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one week 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/-

29/10/2020

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,
HARUR, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HARUR, DHARMAPURI DISTRICT.

CC to M/S. J.BHARATHI RAJA Advocate on payment of necessary charges Sr.7136

CRL OP.16260/2020

Date :29/10/2020

RVR 04/11/2020