

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16168 of 2020

1.M.Peermohideen ... Petitioners
2.P.Rasiya Begam
3.P.Syed Ahmed Kabeer

Vs.

The State rep. by ...Respondent
The Inspector of Police
All Women Police Station
Vandavasi
Vandavasi-604 408
Cr.No.5 of 2020

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.5 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.R.Thangavel

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

ORDER

(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 294(b), 323, 498(A) and 506(i) of IPC, in Crime No.5 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant was married to the 1st accused 14 years back. The further allegation is that the petitioners had abused and harassed the de-facto complainant demanding dowry. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are living separately and the 1st accused was married to the de-facto complainant 14 years back. He would further submit that due to matrimonial dispute, a false case has been given against the

petitioners and that A1 was arrested and enlarged on bail. He would further submit that the 1st petitioner is affected by paralytic attack. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are in-laws of the de-facto complainant and the marriage between the 1st accused and the de-facto complainant took place 14 years back. The allegation against the petitioners is that the petitioners along with A1 abused and harassed the de-facto complainant demanding dowry.

5. Taking into consideration the facts and circumstances of the case and also 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, before the **learned Judicial Magistrate, Vandavasi**, on condition that 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 Magistrate concerned, 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 1st petitioner shall report before the respondent police as and when required for interrogation and the 2nd and 3rd petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

uma

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

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

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
13/10/2020

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,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VANDAVASI,
VANDAVASI-604408.

+1 CC to M/S. M.R.THANGAVEL Advocate on payment of necessary charges SR.NO.7056

CRL OP.16168/2020

Date :13/10/2020

TA-23/10/2020

WEB COPY