

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.16144 of 2020

Kamsala

... Petitioner

Vs.

The State rep. by
The Inspector of Police
AWPS Ponneri
Thiruvallur District.
Cr.No.9 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of their arrest in Crime No.9 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.N.A.Hussainy

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 498(A) and 506(i) IPC and Section 4 of Dowry Prohibition Act, in Crime No.9 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Mahalakshmi is that she got married to the first accused on 02.02.2020 and at the time of marriage, 16 sovereigns of jewels and sreedhana articles were given. The further allegation is that the accused harassed the defacto complainant demanding more dowry and she went to her parent's house. Thereafter, the parents of the de-facto complainant had given all the household articles to the de-fact complainant and dropped her in the matrimonial house on 10.09.2020 and even after, they have demanded further dowry.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the petitioner is the

mother of A1 and that the marriage between the de-facto complainant and the first accused was performed on 02.02.2020 and within two days, she left the matrimonial home and she did not like the first accused and thereafter, a complaint has been given. He would further submit that the first accused was arrested and enlarged on bail. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the mother of A1 and that the marriage between the de-facto complainant and A1 took place on 02.02.2020 and thereafter, the accused harassed the de-facto complainant demanding dowry. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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 petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate No.1, Ponneri**, on condition that the petitioner shall execute a 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 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 for interrogation.

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

12/10/2020

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,
NO.I, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS PONNERI,
THIRUVALLUR DISTRICT.

CC to M/S.S.N.A.HUSSAINY Advocate on payment of necessary charges

CRL OP.16144/2020

सत्यमेव जयते

Date :12/10/2020

TA-23/10/2020

WEB COPY