

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.17582 of 2020

1. P.C.Palanisamy ... Petitioners
2. P.Gokila

Vs.

The State Represented by, ...Respondent
The Inspector of Police,
AWPS, Gobichettipalayam,
Erode.
(Cr.No.13 of 2020)

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 Cr.No.13 of 2020 on the file of the respondent police.

For Petitioners : Mr.N.Manoharan

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 294 (b), 323, 498 A, 506 (1) of IPC and Section 4 of Dowry Prohibition Act in Crime No.13 of 20120 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Deepa is that she married the first accused one Gunasekaran. At the time of marriage, first accused and his relatives demanded dowry. Further allegation is that the relatives of first accused and her husband along with mother-in-law had abused and harassed the defacto complainant for demanding more dowry and criminally intimidated her. Hence, the complaint.

3. The learned counsel for the petitioners would submit the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that they are the relatives of the first accused and they have been unnecessarily implicated in this case. 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 defacto complainant took place on 04.03.2018 and they demanded dowry. Therefore, a complaint has been given by the defacto complainant. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.

5. 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;

6. 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 No.II, Gobichettipalayam**, on condition that each of the petitioner 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] **the first petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders. The second petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

09/11/2020

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.II, GOBICHETTIPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS, GOBICHETTIPALAYAM,
ERODE DISTRICT.

+1 CC to M/S N.MANOCHARAN Advocate on payment of necessary charges SR.NO.7493

सत्यमेव जयते

CRL OP.17582/2020

Date :09/11/2020

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