

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16884 of 2020

1. Boopathi
 2. Jayakumar
 3. Govindharaj
 4. Revathi
 5. Muniyammal
- ... Petitioners/Accused Nos.1 to 5

Vs.

1. State rep. By
The Inspector of Police,
All Women Police Station, Ponneri,
Thiruvallur District.
Crime No.08 of 2020. ... Respondent/Complainant
2. Bhavani ... Intervener/Defacto complainant

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail in the event of their arrest concerned in Crime No.08 of 2020 on the file of the Inspector of Police, All Women Police Station, Ponneri, Thiruvallur District.

For Petitioners : Ms.Gayathri,
for Mr.P.Chandrasekar

For Respondent : Ms.T.P.Savitha
Government Advocate

O R D E R

(The 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), 406, 354(A), 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of the Dowry Prohibition Act in Crime No.8 of 2020 on the file of the respondent police, seek anticipatory bail.

2.Heard the counsel for the petitioners, Government Advocate and the intervenor.

3. Based on the complaint given by one Bhavani, wife of the 1st petitioner, the police has registered a case under Sections 498(A), 406, 354(A), 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 4 of the Dowry Prohibition Act. According to the *de facto* complainant, on 12.09.2019, she married the 1st petitioner and they were living along with other petitioners as joint family. Her husband and in-laws were continuously demanding dowry for Rs.5,00,000/- (Rupees five lakhs only) and also the brother of the 1st petitioner was torturing her sexually. Hence, she has left the matrimonial home and sought for remedy by filing the complaint before the police.

4. The petitioners herein submit that, after the *de facto* complainant failed in having a separate nuclear family, she ran away from the matrimonial home without any intimation. The complaint against them is imaginary and frivolous. It is also stated that, already a petition for divorce has been initiated by the 1st petitioner against the *de facto* complainant before the Sub-Court, Ponneri.

5. Though very serious allegations are made in the complaint against these petitioners regarding harassment and dowry demand, since the matter has been aggravated to the stage of filing divorce petition, it is just and necessary for the police to complete the investigation in the complaint at the earliest point of time. For the said purpose, arrest of the petitioners or custodial interrogation is not necessary. A proper participation and co-operation of the petitioners in the enquiry is sufficient. Hence, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days, before the learned Judicial Magistrate No.II, Ponneri, on condition that each petitioner shall execute a 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 to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] 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.

[c] the petitioners shall stay at Thiruvallur and report before the Inspector of Police, All Women Police Station, Ponneri, daily at 10.30 a.m. for 30 days from the date of receipt of a copy of this order or till the completion of investigation, whichever is earlier.

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

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

[f] On failure to comply the condition or 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
22/10/2020

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.II,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI, THIRUVALLUR DISTRICT.

CC to M/S. P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.16884/2020

Date :22/10/2020

MK:02/11/2020