

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17129 of 2020

Kaviya Priya

... Petitioner

Vs.

State rep.by
The Inspector of Police,
All Women Police Station,
Dharapuram,
Tiruppur District.
[Crime No.6 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.6 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Kalimuthu

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 498(A) & 494 of IPC in Crime No.6 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., DiviyaPrabha is that she married one Satheesh Kumar on 06.11.2016. The allegation is that the said Satheesh Kumar/first accused along with his family members harassed the defacto complainant by demanding dowry and when it was refused by the defacto complainant, the first accused, without the knowledge of the defacto complainant, married one Kaviyapriya/the petitioner herein. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner was informed that the first accused legally divorced his first wife, thereby, she married the first accused. Other than that, she does not know anything about the earlier marriage. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the second wife of the first accused/Satheesh Kumar. The said Satheesh Kumar had married the defacto complainant on 06.11.2016. Thereafter, the said Satheesh Kumar and his family members demanded dowry from the defacto complainant and while the earlier marriage was in subsistence, the said Satheesh Kumar married the petitioner herein without the knowledge of the defacto complainant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate Court, Dharapuram, Tiruppur District on condition that 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 petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aaksa-2ar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police every day at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

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

[d] the petitioner 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 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].

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

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

-sd/-
03/11/2020

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 COURT,
DHARAPURAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARAPURAM,
TIRUPPUR DISTRICT.

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

CRL OP.17129/2020

Date :03/11/2020

cs 11/11/2020