

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.18292 of 2020

(*)SELVI @ TAMIL SELVI

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
AWPS, Rural Salem, Salem.
(Cr.No.2 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of her arrest in Connection with the Crime No.2 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.J.Franklin(IN ALL THE PETITIONS)

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
(IN CRL.O.P.NO.18292/2020)

MR.C.IYYAPPARAJ, ADDITIONAL
PUBLIC PROSECUTOR
(IN CRL.MP.Nos.721 & 722/2021)

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 147, 498 (A), 294 (b), 323 and 506 (ii) of IPC, in Crime No.2 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Soundarya is that the marriage between A1 and the defacto complainant was solemnised on 05.07.2018 and thereafter A1 had gone abroad and the allegation is that the petitioner, who is a relative of A1 harassed the defacto complainant by demanding dowry and she was driven out of the matrimonial home. 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 is a maternal aunt of A1 and after the marriage A1 had gone abroad for employment and the defacto complainant had refused to live with the in-laws and she went to her mother's home and refused to come to the

matrimonial home and she had given a false complaint. He would further submit that earlier this Court granted Anticipatory Bail to the co accused in Crl.O.P.No.14715 of 2020 dated 23.09.2020. Hence, he prays to grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is a maternal aunt and the relatives of A1 demanded dowry and harassed the defacto complainant and therefore she left the matrimonial home. He would further submit that A1 is the husband of the defacto complainant and he is presently working in abroad. Hence, he vehemently opposed the 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 Additional Mahila Court, Salem on condition that the 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 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter as and when required.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

20/11/2020

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.

(*) AMENDED AND FURTHER, TWO WEEKS TIME IS EXTENDED FROM THE DATE ON WHICH THE ORDER COPY IS MADE READY, TO COMPLY WITH THE CONDITIONS, ORDERED AS PER ORDER OF THIS COURT DATED 02/02/2021 MADE IN CRL.MP.Nos.721 & 722 OF 2021.

TO

1 THE ADDITIONAL MAHIAL COURT,
SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
AWPS, RURAL SALEM,
SALEM DISTRICT.

+3 CC to M/S.J.FRANKLIN Advocate on payment of necessary charges
Sr.Nos.1043,1042 & 1044

CRL OP.18292/2020

Date :20/11/2020

RVR 10/12/2020

RVR 09/02/2021

WEB COPY