

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17764 of 2020

Rithikponvel

... Petitioner

Vs.

State rep by
The Inspector of Police
All Women Police Station
Adayar
Chennai District
(Crime No.02 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.02 of 2019 on the file of the Respondent.

For Petitioner : Mr.G.Punniakoti

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

ORDER

(This Case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 323, 498(A) r/w 3 and 4 of Dowry Prohibition Act, in Crime No.02 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz.Leelavathy is that the marriage between her and the petitioner took place during the year 2015. The further allegation is that the petitioner along with his relatives harassed and committed cruelty on her and also demanded additional dowry.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that due to matrimonial dispute a false complaint has been given against him. He would submit that originally a case was registered by the All Women Police Station, Thekasi, in

Crime No.15 of 2017 and the petitioner had also appeared before the All Women Police Station, Thenkasi, subsequently, the case was transferred to the file of the present respondent.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner is the husband of the defacto complainant and their marriage took place in the year 2015. The further allegation is that the petitioner along with his relatives, harassed and committed cruelty on the defacto complainant and also demanded additional dowry. He would further submit that the case was originally registered by the All Women Police Station, Thenkasi and it has been transferred now to the present respondent.

5.Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance and the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only), with two sureties each for the like sum to the satisfaction of the learned II Metropolitan Magistrate, Egmore, Chennai, failing which the petition for anticipatory bail shall stand dismissed automatically;

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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 at 10.30 a.m., for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

[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.

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

-sd/-
16/12/2020

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 METROPOLITAN MAGISTRATE II
EGMORE.

2 THE CHEIF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, ADAYAR,
CHENNAI DISTRICT.

CC to G.PUNNIAKOTI Advocate on payment of necessary charges

CRL OP.17764/2020

Date :16/12/2020

MN-28/12/2020