

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.18275 of 2020

1. D. Senthil
2. Jayalakshmi

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Chidambaram(Cr.No.1 of 2020)

....Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of his arrest in Connection with the Crime No.1 of 2020 pending on the file of the respondent police.

For Petitioners : Mr. Lbrar Mohamed Abdullah

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

ORDER

(This case has been heard through video conference)

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 498(A), 294(b), 506(i) of IPC and under Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 on 13.01.2020, in Crime No.1 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Sundararjan is that his daughter got married on 20.05.2018 to the son of the petitioners and they both were living in U.S.A. Whiles, his son-in-law had harassed his daughter on the instigation of his mother. The further allegation is that his daughter and son-in-law came to India for a ceremony and on 06.08.2020 his son-in-law alone went to U.S.A and his daughter stayed with her in-laws at her matrimonial house at Chitlapakkam and the in-laws were continuously harassing the daughter of the defacto complainant. The defacto complainant questioned the same and when the settlement talks were going on the petitioners demanded additional dowry from the defacto complainant and also abused him and attempted to assault him. Hence, the complaint.

3. The learned counsel for the petitioners would submit the petitioners are senior citizens and due to matrimonial dispute between their son and their daughter-in-law the defacto complainant

has given an exaggerated complaint against the petitioners . He would further submit that immediately after the marriage the defacto complainant's daughter went to U.S.A and due to incompatibility between the couples the daughter of the defacto complainant had returned to India. Thereafter the son of the petitioner filed an application for divorce in H.M.O.P.No.902 of 2019 on the file of the subordinate Judge, Tambaram and after receiving the notice the daughter of the defacto complainant also filed an application in M.C.No.2 of 2020 on the file of Judicial Magistrate-II, Chidambaram for maintenance and also filed an application seeking for restitution of conjugal rights before the Subordinate Judge, Chidambaram in H.M.O.P.No.31 of 2020. He would further submit that the respondent has completed the investigation and filed the absconding charge sheet against the petitioners and the learned Magistrate - II, Chidambaram has taken up the case in C.C.No.7 of 2020 and issued NBW against the petitioners without any summons being issued. However, the petitioners are ready to abide by any stringent conditions to be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the daughter of the defacto complainant and the son of the petitioners got married and they were living in U.S.A. Whileso the petitioners son had continuously treated his wife/ daughter of the defacto complainant with cruelty and driven her from the matrimonial home and thereafter when the settlement talks were going on the petitioners have demanded additional dowry and they have also abused the defacto complainant and assaulted her. However investigation has been completed and the final report has been filed before the Judicial Magistrate-II, Chidambaram and petitioners have been shown as absconding accused and NBW has been issued against the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and that the investigation has been completed and the case has been taken up in C.C.No.7 of 2020, 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 his appearance, within a period of four weeks from the date on which the copy of the order is made ready, before the Judicial Magistrate-II, Chidambaram on condition that the petitioners 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 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 petitioners shall report before the Judicial Magistrate No.II, Chidambaram, daily at 10.30 a.m., for a period of one week and thereafter on the date of hearing fixed by the Court.

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

[d] the petitioners shall not abscond either during 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 are 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.

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

-sd/-

19/11/2020

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, CHIDAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHIDAMBARAM.

+2 CC to M/S.I.ABRAR MOHAMED ABDULLAH Advocate on payment of necessary charges Sr.7670

CRL OP.18275/2020

Date :19/11/2020

RVR 23/11/2020

<https://hcservices.ecourts.gov.in/hcservices/>