

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18278 of 2020

1. Paramasivam
2. Vijaya
3. Margandan

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Tiruppattur District.
(Cr.No.16 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 their arrest in Connection with the Crime No.16 of 2020 pending on the file of the respondent police.

For Petitioners: M/s.Karan and Uday

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

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 Sections 323 and 498 A of IPC and Section 4 of Prohibition of Women Harassment Act, 2002 in Crime No.16 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Gayathri is that the marriage between first accused and the defacto complainant took place on 10.02.2019. At that time of marriage, 15 sovereigns jewels and other house hold articles and Rs.90,000/- were given to the accused. The first accused lived with the defacto complainant for five months properly and thereafter started harassment. Further allegation is that the first accused

developed illicit intimacy with one Jayanthi and later he had shown pornography video and compelled her to behave like that. Further allegation is that on 06.09.2019, the first accused had sexual intercourse with the defacto complainant and thereafter, she was driven out from the matrimonial home. When she complained to other accused they have demanded more dowry. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the defacto complainant got married to the first accused and later she due to matrimonial dispute left the matrimonial home and the relatives and friends asked the first petitioner to join the defacto complainant. Hence, the first accused husband of the defacto complainant filed a petition for restitution of conjugal rights in H.M.O.P.No.191 of 2020 on the file of the Sub Court, Tirupattur and the respondent also filed a counter in HMOP petition before the Magistrate Court. While so, a false complaint has been given. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant got married the first petitioner. Later her husband, along with the relatives had harassed her and demanded additional dowry. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, 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 their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the Judicial Magistrate No.I, Thirupattur** on condition that each of 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 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 respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or

[d] the petitioners 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 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]**.

[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/-
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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

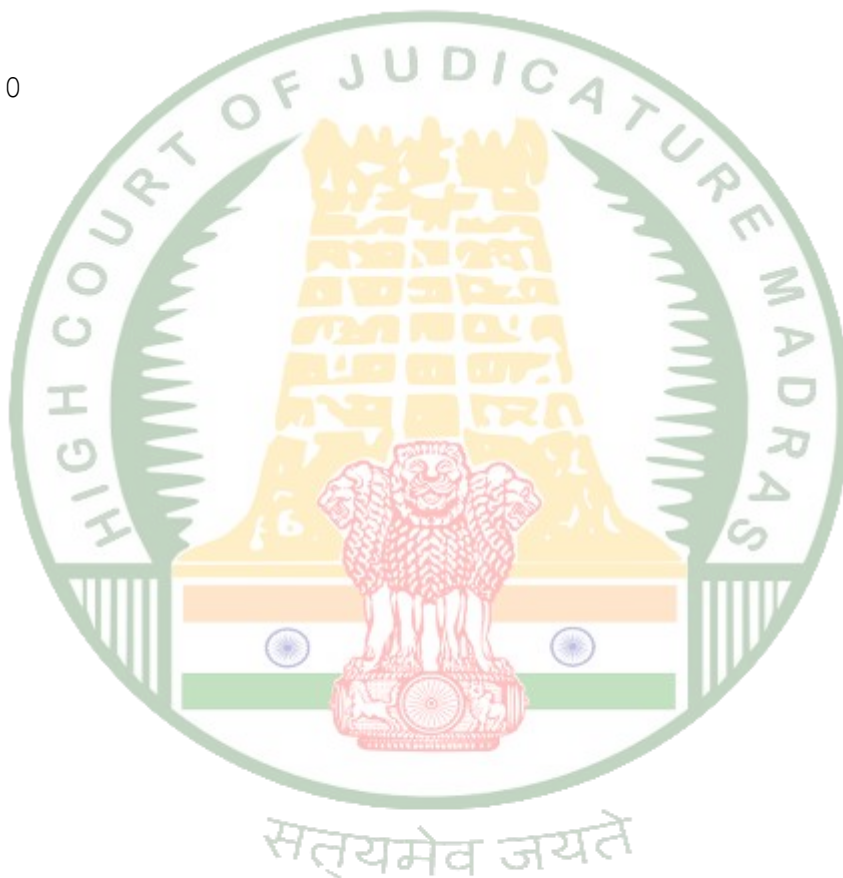
4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPATTUR DISTRICT.

+1 CC to M/S.KARAN AND UDAY Advocate on payment of necessary
charges SR.NO. 7754

CRL OP.18278/2020

Date :20/11/2020

MN-16/12/2020



WEB COPY