

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.18323 of 2020

1.Alaguraja
2.Chandiraguru
3.Poopathi

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Tiruppur South, Tiruppur District.
(Cr.No.3 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.3 of 2019 pending on the file of the respondent police.

For Petitioners : Mr.M.S.Charles

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

ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.3 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the 1st petitioner and the defacto complainant namely Ilam Malathi took place on 17.05.2017, after their marriage the petitioners had demanded more dowry and also harassed her for the same. The further allegation is that the first petitioner abused the defacto compliant in filthy language and attacked her in a drunken mood. Hence the complaint was registered as against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the first petitioners are the husband, father-in-law and mother-in-law of the defacto complainant.

4. The learned Additional Public Prosecutor would submit that the marriage between the first petitioner and the defacto complainant namely Ilam Malathi place on 17.05.2017. He further submitted that

the accused persons harassed the de-facto complainant by demanding additional dowry and also abused her in filthy language. He further submitted that the petitioners are the husband, father-in-law and the mother-in-law of the defacto complainant. Hence, he vehemently opposed to grant 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 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.II, Thiruppur, on condition that each of 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 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 every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

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

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

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

-sd/-

08/12/2020

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 JUDICIAL MAGISTRATE,
NO.II, THIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.18323/2020

Date :08/12/2020

RVR 14/12/2020

WEB COPY