

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2020

CORAM :

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.18837 of 2020

1.Devaraj
2.Chitra
3.D.Ramesh

... Petitioners

Vs.

State Rep. By
The Inspector of Police,
Namakkal AWPS,
Namakkal District.
(Cr.No.22 of 2020)

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail, in the event of arrest, in Crime No.22 of 2020 on the file of the respondent police.

For Petitioners: Mr.B.Vasudevan

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 498(A), 506(i) of IPC and Section 4 of Dowry Prohibition Act 1961, in Crime No.22 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the 1st accused namely one Prakash and the defacto complainant-Mathumitha took place in the year 2012 and thereafter, the 1st accused at the instigation of the present petitioners had demanded 25 soverings of Gold jewels and Rs.4,50,000/- lakhs dowry form the defacto complainant and also harassed her for the same. Hence, the complaint was registered as against the petitioners. Hence, the complaint.

3. The learned counsel for the petitioners submit that the petitioners have not demanded any money from the de-facto

complainant at any point of time. He further submitted that the petitioners are the father-in-law, mother-in-law and brother in law of the defacto complainant. The third petitioner is now working at Bhavani in TVS company.

4. The learned Additional Public Prosecutor would submit that the accused persons harassed the de-facto complainant by demanding more dowry. He further submitted that the first accused has been arrested and released on bail by the learned Judicial Magistrate No.I, Namakkal. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of their 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 learned Judicial Magistrate No.I, Namakkal** 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 as and when required.**

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

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

-sd/-
02/12/2020

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.I, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NAMAKKAL AWPS,
NAMAKKAL DISTRICT.

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

CRL OP.18837/2020

सत्यमेव जयते Date :02/12/2020

MN-10/12/2020

WEB COPY