

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.19005 of 2020

1.Cherukur Mani
2.Gunavathy
3.Poornima

... Petitioners

Vs.

The State Rep by,
The Inspector of Police,
All Women Police Station,
Poonamallee, Chennai.
(Cr.No.20 of 2019)

... 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.20 of 2019 on the file of the respondent police.

For Petitioners : Mr.A.Esakkiappan

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

O R D E R

(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 Section 498(A) of IPC, in Crime No.20 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused namely one Dinesh Babu and the defacto complainant-Monisha took place on 06.12.2017. At the time of marriage, the defacto complainant was found to have gynecological problem. The further allegation is that the first accused along with his relatives harassed and demanded additional dowry and also compelled to withdraw the case. 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 sister in law of the defacto

complainant. He would further submit that the main accused has been granted anticipatory bail in CrI.O.P.No.25136 of 2019 dated 20.09.2019.

4. The learned Additional Public Prosecutor would submit that the accused persons harassed the de-facto complainant by demanding more dowry. He would submit that the petitioners are the father-in-law, mother-in-law and sister in law of the defacto complainant and the investigation is completed and the final report is ready. 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.II, Poonamallee, 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 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/-
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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POONAMALLEE, CHENNAI.

+1 CC to M/S.A.ESAKKIAPPAN Advocate on payment of necessary charges SR.No.8023

CRL OP.19005/2020

cs 15/12/2020

Date :08/12/2020

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