

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.19230 of 2020

1.Jayaprakash

2.J.Priya

... Petitioners

Vs.

The State Rep by,
The Inspector of Police,
All Women Police Station,
Harur, Harur Taluk,
Dharmapuri District.
(Cr.No.15 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.15 of 2020 on the file of the respondent police.

For Petitioners : Mr.N.Elumalai

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 Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.15 of 2020 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 Jayachandran and the defacto complainant-Banumathi took place on 16.07.2018. Thereafter, A1 had taken her wife to Poland. When they were in Poland the first accused harassed the defacto complainant and tortured her. She came to India and filed the divorce petition. Further the relatives of her husband convinced her to withdraw the divorce petition and thereafter the defacto complainant withdrew the divorce petition and returned to the husband's house at Panjavadi where the relatives of her husband abused and harassed her and also demanded additional dowry of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only).

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 brother-in-law and sister of the 1st accused and that they have been unnecessarily dragged in this issue due to the matrimonial dispute.

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 brother-in-law and sister of the 1st accused and investigation is still pending. 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 Court, Harur, Dharmapuri, 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 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 COURT,
HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HARUR, HARUR TALUK,
DHARMAPURI DISTRICT.

+1 CC to M/S N.ELUMALAI Advocate on payment of necessary charges
SR.No.8009

WEB COPY

CRL OP.19230/2020

Date :08/12/2020

cs 15/12/2020