

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Cr1.O.P.No.20849 of 2020

1. A.Manikandan ... Petitioners
2. G.Arumugam

Vs.

The State Represented by, ...Respondent
The Inspector of Police,
All Women Police Station,
Kallakurichi District.
(Crime No.21 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioners on bail, in the event of their arrest in
Crime No.21 of 2020 on the file of the respondent police.

For Petitioners : Mr.G.Balamanikandan
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
352, 498A & 506(i) of IPC and Section 4 of the Dowry Prohibition Act
in Crime No.21 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 petitioner and the Defacto complainant was solemnized on
26.06.2015. It appears that there is no good relationship exists
between the petitioner and the De facto complainant now. Due to the
matrimonial dispute arose between them, the case has been filed
against the petitioner.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He further submitted that the first petitioner is the husband of the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent submitted that due to the matrimonial dispute arose between the husband and wife, this petition has been filed. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and submissions of the learned Counsel, this Court is of the view that the custodial interrogation of the petitioner is not necessary in this case. Hence, 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 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-I, Kallakurichi, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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.

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

-sd/-
30/12/2020

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.1, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KALLAKURICHI AND DISTRICT.

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

सत्यमेव जयते

CRL OP.20849/2020

Date :30/12/2020

WEB COPY

TA-25/01/2021