

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20852 of 2020

1.V.Narayanan
2.Kamala

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Dharmapuri
(Crime No.8 of 2020)

... Respondent

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.8 of 2020 on the file of the Inspector of Police, All Women Police Station, Dharmapuri.

For Petitioners : Mr.C.Prabakaran (Crl.OP.No.20852/2020)

For Petitioners : No Appearance (Crl.MP.No.814/2021)

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate
(Crl.OP.No.20852/2020)

For Respondent : Mr.G.Ramar,
Government Advocate (crl.side)
(Crl.MP.No.814/2021)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the offences publishable under Sections **(*) 498(A), 294(b), 312, 324 and 506(ii) of IPC**, in Crime No.8 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 15.11.2013. Due to the wedlock, they are blessed with a female child named Yazhini on 06.08.2014. Subsequently, defacto complainant became pregnant and the petitioners had forced for abort the fetus against

the wish of the defacto complainant by giving tablet in the milk in the year 2017. Further, the defacto complainant was assaulted and abused by the petitioners by demanding more dowry. Hence, the complaint.

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. In fact, the complaint has been given much after the alleged incident. He further submitted that the first petitioner has filed petition for divorce in HMOP No.64 of 2020 before the Additional Sub Court, Dharmapuri. 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, the case has been filed. However, he opposed for grant of anticipatory bail to the petitioners.

5. Admittedly there is an undue delay in giving the complaint. Taking into consideration of the submissions of the learned Counsel and the fact that this being the matrimonial matter and the submissions of the learned counsel for the petitioner that the first petitioner is willing to take the defacto complainant to Matrimonial Home, 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 Additional Mahila Court (Magisterial Level) Dharmapuri, on condition that each of the petitioner shall execute a 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 Erode Town Police Station 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.

(*) Amended and two weeks time is extended, for surrendering before the Additional Mahila Court, Dharmapuri, from the date of receipt of a copy of this order, as per Order of this Court 05.02.2021 made in CrI.MP.No.814/2021 in CrI.OP.No.20852/2020

TO

1 THE ADDITIONAL MAHILA COURT
(MAGISERIAL LEVEL), DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR HIGH COURT,
MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARMAPURI.

+1 CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges
SR.No.1215

CRL OP.20852/2020

Date :30/12/2020