

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20901 of 2020

1.Manimegalai
2.N.Rajagopal
3.R.Sathishkumar

.. Petitioners/Accused

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Virudhachalam Police Station,
Cuddalore District.
(C.S.R.No.324 of 2020)

.. Respondent/Complainant

Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of his arrest in Crime No.not known of 2020 C.S.R.No.324 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.P.Rajavel

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

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) and 506(I) IPC r/w Section 4 of the Dowry Prohibition Act, 1961, (for brevity "the DP Act") in Crime No.not known of 2020 in C.S.R.No.324 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. It is seen from the submissions made by the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) that petition enquiry is pending in C.S.R.No.324 of 2020.

4. It is seen from the case submitted by the learned counsel for the petitioners that the marriage between the de facto complainant and one Jagadeeshkumar was solemnized on 04.09.2015. The said Jagadeeshkumar was working as Senior Officer in YES Bank and he died in a road accident on 07.12.2017. There is a dispute pending in Civil Court with regard to the insurance amount, between the petitioners and the de facto complainant. Now, it appears that, C.S.R.No.324 of 2020 has been registered for the alleged offences under Sections 294(b) and 506(I) IPC r/w Section 4 of the DP Act.

5. The learned counsel for the petitioners submitted that only to garner the insurance amount, this case has been foisted against the petitioners.

6. Considering the facts and circumstances, where, the dispute appears to be in connection with the insurance amount disbursed the death of Jagadeeshkumar and also the fact that the marriage between the de facto complainant and Jagadeeshkumar was solemnized on 04.09.2016 and after four years, this case had been given under the DP Act, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Virudhachalam, Cuddalore District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, 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 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 daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

[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].

-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.I, VIRUDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.P.RAJAVEL Advocate on payment of necessary charges

WEB COPY

CRL OP.20901/2020

Date :30/12/2020

cs 20/01/2021