

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.92 of 2021

1.Logavathi
2.Gnanamani

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
All Women Police Station,
Arni, Tiruvannamalai District
Crime No.16 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.16 of 2020, on the file of the Respondent police.

For Petitioners : M/s.M.Rebecca

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Sections 294(b), 498(A), 494 and 506(i) of IPC, in Crime No.16 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. There are totally four accused in this case and the petitioners are A3 and A4. The petitioners are respectively mother-in-law and brother-in-law of the de-facto complainant. The allegation is that all the accused have demanded dowry and harassed the de-facto complainant. Hence, the complaint has been registered. It is stated that the main accused namely A1, who is the husband of the de-facto complainant and A2, who is the second wife of A1 have already been arrested and enlarged on bail.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they are no way connected with the alleged offence. He would further submit that the co-accused have already been arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that all the accused persons have demanded dowry and harassed the de-facto complainant. Hence, the complaint has been given.

5. Considering the facts and circumstances of the case and considering the fact that the petitioners are respectively mother-in-law and brother-in-law of the de-facto complainant and there is no serious allegation made against them and also of the fact that the co-accused have already been arrested and enlarged on bail, 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 arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Arni, on condition that the petitioners 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

11/01/2021

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,
ARNI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

CC to M/S.M.REBECCA Advocate on payment of necessary charges
Sr.520

CRL OP.92/2021

Date :11/01/2021

RVR 21/01/2021