

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.110 of 2021

1.Aravindan
2.Suba

... Petitioners

Vs.

The State rep. by
The Inspector of Police
All Women Police Station,
Thudiyalur
Coimbatore
Crime No.23 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.23 of 2020, on the file of the Respondent police.

For Petitioners : M/s.B.Harikrishnan

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 498(A), 323, 406 and 506(i) of IPC, in Crime No.23 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 A2 and A3. The de-facto complainant is the wife of A1. The petitioners are father-in-law and mother-in-law of the de-facto complainant. The allegation is that the marriage between the de-facto complainant and A1 took place in the year 2015 and now, A1/husband is residing in Canada. Since A1 got employment at Canada, he left the de-facto complainant and had gone to Canada. Thereafter, in December 2020, he came back to India and both A1 and the de-facto complainant are living together and there was a quarrel between them. Hence, the complaint has been registered.

3.The learned counsel for the petitioners would submit that on a perusal of FIR, it clearly shows that there was a quarrel between A1 and the de-facto complainant and absolutely, there is no allegation of dowry demand and harassment against the petitioners. Only due to the dispute between the husband and wife, a complaint has been filed and the petitioners have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that A1, who is the husband of the de-facto complainant was working at Canada and after return back to India, he along with the petitioners demanded dowry. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considered the rival submissions made on either side and also considered the allegation made in the FIR. The main allegation is only against the husband (A1) of the de-facto complainant, who ill-treated her and the petitioners being in-laws supported A1 in demanding dowry.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 No.I, Coimbatore, 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 NO.I,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THUDIYALUR, COIMBATORE DISTRICT.

CC to M/S.B.HARI KRISHNAN Advocate on payment of necessary charges

CRL OP.110/2021

Date :11/01/2021

MK:03/02/2021