

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.545 of 2021

M.Mohammed Elias Sheriff

... Petitioner

Vs.

The State Rep. by  
The Sub-Inspector of Police,  
All Women Police Station-Central,  
Coimbatore Dt.  
(Crime No.7 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No. 7 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.A.Sivakumar

For Respondent : Mr.S.Karthikeyan  
Addl. Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

Totally, there are three accused and the petitioner is arrayed as A1. The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 406 of I.P.C., in Crime No. 7 of 2020, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that the defacto complainant is wife of the petitioner. The allegation is that the marriage took place in the year 2019, at that time, 130 sovereigns of jewels and amount was given as dowry. Thereafter, the inlaws of the defacto complainant harassed the petitioner demanding dowry. The petitioner is the husband of defacto complainant, he has also taken the jewels belongs to her. Hence, the criminal case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the main allegation is against the inlaws of defacto complainant and there is no serious allegation against the

petitioner. He would submit that the petitioner is an innocent person and he is no way connected with the offence. He would submit that he has been falsely implicated as accused in this case. He would also submit that the co-accused was granted anticipatory bail by this court. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is the husband of defacto complainant and he had only harassed her and there are allegation against the petitioner for demanding dowry. He has further submitted that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the facts and circumstances, the allegation is only against inlaws of defacto complainant, and there is no allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Additional Mahila Court, Coimbatore, on condition that the petitioner 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, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m. for the period of two weeks ;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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];

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

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

-sd/-  
25/02/2021

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,  
ADDITIONAL MAHILA COURT, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,  
COIMBATORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION - CENTRAL,  
COIMBATORE DISTRICT.

+1 CC to A.SIVAKUMAR Advocate on payment of necessary charges  
SR NO. 2438

WEB COPY

CRL OP.545/2021

Date :25/02/2021

MN-04/03/2021