

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1142 of 2021

Vigneshwar Mohan

... Petitioner

Vs.

State Rep. by  
The Inspector of Police,  
W2 All Women Police Station,  
Triplicane, Chennai-5.  
(Crime No.W2-03 of 2019)

... 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.W2-03 of 2019 pending investigation on the file of the Respondent.

For Petitioner : Mr.R.Selvakumar

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

O R D E R

(The case has been heard through video conference)

Totally, there are four accused and the petitioner is arrayed as A4. He has been charged with for the offence punishable under Sections 498A and 406 of I.P.C. in Crime No.W2-03 of 2019 and now, he has filed this petition seeking for anticipatory bail.

2.The petitioner is the brother-in-law of defacto complainant. The case of the prosecution is that the marriage took place between the petitioner and the defacto complainant on 08.06.2016. At the time of marriage, the parents of defacto complainant promised to give some dowry, but failed to give the same. Hence, all the accused persons along with the petitioner said to have tortured and harassed her. In the said circumstances, the criminal case has been registered against him and now, he is seeking anticipatory bail. Now, it is stated that the petitioner is brother of A1 and now, A1 was arrested and released on bail. It is also stated that A2 and A3 were also granted anticipatory bail.

3. The learned counsel appearing for petitioner would submit that it is a family dispute between the petitioner and the defacto complainant. He would submit that he is an innocent person, and he has been falsely implicated in this case. He would submit that the other arrested co-accused A1 was released on bail and other accused A2 and A3 was also granted anticipatory bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the marriage took place between the petitioner and the defacto complainant on 08.06.2016. At the time of marriage, the parents of defacto complainant promised to give some amount, but failed to give the same. Hence, all the accused persons along with the petitioner said to have harassed her. He would submit that A1 was arrested and released on bail and A2 and A3 were granted anticipatory bail. Hence, he opposed to grant anticipatory bail to the petitioner.

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

6. Taking into consideration the fact that it is only family dispute between husband and wife and now, the arrested accused A1 was released on bail and A2 and A3 were also granted anticipatory bail, 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 Additional Mahila Court, Egmore, Chennai 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 as and when required for interrogation ;

[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/-

27/01/2021

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 ADDITIONAL MAHILA COURT,  
EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,  
W2 ALL WOMEN POLICE STATION,  
TRIPPLICANE, CHENNAI.

CC to M/S R.SELVAKUMAR Advocate on payment of necessary charges  
SR.881

CRL OP.1142/2021

Date :27/01/2021

RVR 05/02/2021

सत्यमेव जयते

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