

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.1290 of 2021

Balu

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
W-28 All Women Police Station,
Ambattur, Chennai.
(Crime No.2 of 2018)

... 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.2 of 2018 pending on the file of the respondent.

For Petitioner : Mr.R.Gopinath

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 apprehends arrest at the hands of respondent police for the offence punishable under Sections 498(A) and 406 of I.P.C. in Crime No.2 of 2018 and now, he has filed the above petition seeking for anticipatory bail.

2. The petitioner is the husband of A1's sister. The case of the prosecution is that the petitioner along with other accused persons said to have demanded dowry and also said to have tortured the defacto complainant. Hence, the criminal case has been registered against him and now, he is seeking anticipatory bail.

3. The learned counsel appearing for petitioner would submit that the matter is likely to be settled between the parties. He would submit that the other arrested accused were released on bail and the petitioner is husband of A1's sister. He would also submit that he is an innocent person, and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused demanded dowry from the defacto complainant and also tortured her. He would submit that the other arrested accused were released on 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 the parties, the other arrested accused are released on bail and also considering the fact the matter is likely to be settled between the parties, 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, Ambattur 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/-

11/02/2021

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-28, ALL WOMEN POLICE STATION,
AMBATTUR, CHENNAI.

+2 CC to M/S.R.GOPINATH Advocate on payment of necessary
charges Sr.1489 & 1492

CRL OP.1290/2021

Date : 11/02/2021

RVR 18/02/2021

WEB COPY