

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1342 of 2021

1.P.Rajesh
2.R.Ponnusamy
3.P.Jothilakshmi

... petitioners

Vs.

State rep. by its
The Station House Officer,
All Women Police Station,
Dharapuram, Tiruppur District.
(Crime No.1 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.1 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.Kumara Devan

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 294(b), 323 IPC in Crime No.1 of 2021, seek anticipatory bail.

सत्यमेव जयते

2. The allegation is that the petitioners are ranked as A1 to A3. A1 is husband and A2 and A3 are in-laws of the defacto complainant. All the petitioners said to have harassed the defacto complainant and demanding dowry and also caused injuries. Hence, the present complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and no way connected with this crime. The learned counsel further submitted that from the date of marriage, the defacto complainant wanted to live separately. Since the first petitioner is only son of his parents, he advised the defacto complainant to live in joint family. In order to live in joint family, a false complaint has been filed against the petitioners. Hence, he prays for grant of anticipatory bail to the

4.The learned Additional Public Prosecutor would submit that due to matrimonial dispute, the petitioners said to have harassed the defacto complainant and the investigating is pending.

5. Considering the facts and circumstances of the case and that there is a matrimonial dispute between the parties and that there is no bad antecedents against the petitioners, 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 is made ready, before the learned Judicial Magistrate, Dharapuram, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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.

[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.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
02/02/2021

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
DHARAPURAM,
TIRUPPUR DISTRICT.

+1CC to M/S.S.KUMARA DEVAN Advocate on payment of necessary charges SR NO.1008

CRL OP.1342/2021

Date :02/02/2021

MK:08/02/2021

WEB COPY