

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.1879 of 2021

1.Ashok Kumar
2.Amirdhavalli

... petitioners

Vs.

State Rep. by
The Inspector of Police,
Kottur Police Station,
Thiruvarur District,
(Crime No.33 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.33 of 2021 on the file of the Inspector of Police, Kottur Police Station, Thiruvarur District.

For Petitioners : Mr.Swamisubramanian

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

ORDER

(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) of IPC in Crime No.33 of 2021, seek anticipatory bail.

2. The case of the prosecution is that 1st petitioner is the husband and the 2nd petitioner is the mother-in-law of the defacto complainant. The allegation is that the marriage was solemnized between the 1st petitioner and the defacto complainant in the year 2014. From the date of marriage, the petitioners demanded dowry of jewels and two wheeler from the father of the defacto complainant. On 02.01.2021, there was a quarrel between the husband and wife, at that time, 1st petitioner asked the defacto complainant to consume the rat poison. When it was consumed by the defacto complainant, the 1st petitioner taken the defacto complainant to the hospital. On enquiry, the defacto complainant consumed poison due to severe stomach pain and subsequently registered the complaint.

3. The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case . With an ulterior motive, a false case has been foisted against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners were said to have demanded dowry and the defacto complainant consumed poison and the 1st petitioner taken the defacto complainant to the hospital and rescued her. He would further submit that there is no bad antecedents against these petitions.

5. Taking into consideration the fact that the 1st petitioner taken the defacto complainant to the hospital and saved her life 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 II, Mannargudi, Thiruvavur District, on condition that each of 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, 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.

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

-sd/-
08/02/2021

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,
NO.II, MANNARGUDI,

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.1879/2021

Date :08/02/2021

TA-26/02/2021

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