

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2457 of 2021

1 KALPANA
2 R.SUNDARESAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KILPAUK, CHENNAI.
CRIME NO.1 OF 2021

[RESPONDENT]

For Petitioner : M/S.P.R.KRISHNARAJ Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate (crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406 & 498 of IPC, in Crime No.1 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a matrimonial dispute between the petitioner's son and the defacto complainant, as a result of which, the petitioners had demanded additional dowry from the defacto complainant and harassed her. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the^t petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioners had demanded additional dowry from the defacto complainant and harassed her. Earlier, this Court directed the petitioners and the defacto complainant to appear before

the Mediation Centre for amicable settlement. The Mediation Centre had completed the process and the report is filed stating that the parties were not participated in the Mediation. Hence, he vehemently opposed grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, the complaint being on account of a matrimonial dispute and there being no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the^t petitioners.

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 of receipt of a copy of this order, before the II Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner shall execute a 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the 1st petitioner shall report before the respondent police as and when required for interrogation and the 2nd petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
19/04/2021

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 METROPOLITAN MAGISTRATE
NO.II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KILPAUK, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.R.KRISHNARAJ Advocate on payment of necessary charges SR.No.5140

CRL OP.2457/2021

Date :19/04/2021

cs 28/04/2021

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