

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2096 of 2021

1.Karthikeyan
2.Subramanian
3.Thangamani

...Petitioners

Vs.

State Rep. by
Inspector of Police
All Women Police Station
Erode.
Cr.No.16/2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of arrest in Crime No.16 of 2020 pending investigation on the file of Inspector of Police, AWPS-Erode Police Station, Erode.

For Petitioners : Mr.J.Kingsly Solomon

For Respondent : Mr.S.Karthikeyan
Additional 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 alleged offences under Sections 498(A), 494, 420, 406, 506(i) r/w 109 of IPC and Section 4 of TNPHW Act in Crime No.16 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The petitioners are the husband and in-laws of the de facto complainant. The allegation against the petitioners is that the marriage between the first petitioner and the de facto complainant took place in the year 2012 and right from the marriage, all the petitioners have harassed the de facto complainant by demanding more dowry and also abusing her for not having child. The first petitioner has also got married with another lady. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the marriage took place in the year 2012 and the de facto complainant deserted the first petitioner during the year 2013 and living with another person and thereafter the first petitioner filed HMOP.No.302 of 2020 in the month of October 2020 and the de facto complainant filed a criminal case in the month of December 2020 stating that the petitioners harassed her by demanding dowry. He would submit that the present complaint is the retaliation of the divorce petition filed by the first petitioner. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the petitioners harassed the de facto complainant by demanding more dowry. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also the fact that the divorce OP is also pending between the parties and that the petitioners 2 & 3 are only the parents of A1, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 learned Judicial Magistrate-cum-Munsif, Kodumudi, Erode, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed 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 petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. 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-
CUM-MUNSIF, KODUMUDI, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ERODE.

+1 CC to M/S.J.KINGSLY SOLOMON Advocate on payment of necessary charges SR.NO.1570

CRL OP.2096/2021

Date :11/02/2021

cs 18/02/2021