

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.2921 of 2021

1 SANDEEP
2 SUGUMARAN NAIR
3 KRISHNAVENI
4 ANOOP

[PETITIONERS / ACCUSED]

Vs

THE STATE OF TAMIL NADU REP. [RESPONDENT]
BY, THE INSPECTOR OF POLICE,
W22, ALL WOMEN POLICE STATION,
MYLAPORE, CHENNAI.
(CR.NO.1/2021)

For Petitioner : M/S.S.SATHISHKUMAR Advocate

For Respondent : M/S.S.THANKIRA, 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 punishable under Sections 498(A) IPC, 3(1), 4 of the Dowry Prohibition Act 1961 and 66C of Information Technology (Amendment) Act 2008, in Crime No.1 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant got married the 1st petitioner on 09.12.2018. Thereafter, the petitioners had harassed the defacto complainant. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the 1st petitioner is the husband, 2nd and 3rd petitioners are the father-in-law and mother-in-law of the defacto complainant and the 4th petitioner is the brother of 1st petitioner. He would further submit that the defacto complainant got married the 1st petitioner on 09.12.2018. Thereafter, she had left the matrimonial home and also taken the entire gold jewels. He would further submit that the 1st petitioner had also filed a petition for divorce before the Hon'ble

Sub-ordinate Court, at Tambaram in H.M.O.P.No.198 of 2020, after receipt of the Court notice, the present complaint has been given. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners had harassed the defacto complainant and she had left the matrimonial home. She would further submit that there is no previous case pending as against the petitioners. However, she opposed for grant of anticipatory bail to the petitioners.

5. Considering the rival submissions on either side and on perused the materials available on record and there is no demand of dowry and the 1st petitioner had also had also filed a petition for divorce before the Hon'ble Sub-ordinate Court, at Tambaram in H.M.O.P.No.198 of 2020, It is also that the other petitioners are in-laws, 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 made ready, before the 18th Metropolitan Magistrate Court, Saidapet, Chennai, on condition that 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 this 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 1st 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 and the other 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
26/02/2021

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 METROPOLITAN MAGISTRATE
NO.18TH, SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W22, ALL WOMEN POLICE STATION,
MYLAPORE, CHENNAI

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

CRL OP.2921/2021

Date :26/02/2021

cs 08/03/2021