

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

CrI.O.P.No.3652 of 2021

Prabakaran

... petitioner/ Accused No.1

Vs.

The State Rep. by
The Inspector of Police,
Pernampet Police Station,
Vellore District.
(Crime No.613 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.613 of 2020 on the file of the Respondent.

For petitioner : Mr.G.Vinothkumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 174(3) of Cr.P.C. in Crime No.613 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Totally there are two accused and the petitioner, who is the husband of the daughter of the de-facto complainant is A1 and his mother is A2. The case of the prosecution is that the petitioner and his mother harassed the daughter of the de-facto complainant, demanding dowry, as a result of which, she committed suicide during her pregnancy. Hence, the case came to be registered

3. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case and hence, seeks anticipatory bail to the petitioner.

4. The learned Government Advocate submitted that the due to continuous torture and dowry harassment made by the accused persons, the daughter of the de-facto complainant committed suicide by hanging. He further submitted an enquiry was conducted by the Revenue District Officer and the report filed by him also reveals that there was a demand of dowry by the accused persons. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsels, this court is inclined to grant anticipatory bail to the petitioner .

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest on his appearance, within a period of fifteen days from the date of receipt of a copy of this order before the learned Judicial Magistrate, Gudiyatham, 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 learned Magistrate concerned and on further conditions that:

(b) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the 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.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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];

(h) 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/-

12/05/2021

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,
GUDIYATHAM

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PERNAMPET POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.VINODHKUMAR Advocate on payment of necessary charges Sr.6111

CRL OP.3652/2021

Date :12/05/2021

RVR 18/06/2021

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