

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2640 of 2021

1. Gunasekaran ... Petitioners
2. Kasthuri

-Vs-

The State Represented by ... Respondent
The Inspector of Police,
W-8, All Women Police Station,
Thirumangalam, Chennai.
(Crime No.8 of 2020)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in Crime No. 8 of 2020 on the file of the respondent.

For Petitioners : Mr.M.Vinoth
For Respondent : Mr.S.Karthikeyan
Additional 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 alleged offences punishable under Sections 498(A), 294(b), 324, 406 & 506(ii) of I.P.C, in Crime No. 8 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is wife of 1st petitioner and the marriage took place in the year 2018. From the date of marriage, there was misunderstanding between them. Thereafter, the petitioner said to have illegal intimacy with 2nd petitioner and he has harassed the defacto complainant. In the said circumstances, the criminal case has been registered against them and now, they are seeking anticipatory bail.

3. The learned counsel appearing for petitioners would submit that they are innocent persons, they are no way connected with the offence as alleged in the complaint and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail

4. The learned Additional Public Prosecutor would submit that it is a matrimonial dispute between the parties, due to which, the 1st petitioner has harassed the defacto complainant demanding dowry. He would submit that the investigation is almost completed and there is no bad antecedents against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioners as well as Additional Public Prosecutor and perused the records.

6. On perusal of records, it could be seen that the only allegation is that the 1st petitioner has illegal intimacy with the 2nd petitioner, that apart, there is no allegation of dowry demand, investigation is almost completed and there is no bad antecedents against the petitioners. Therefore, 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 XIII Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, 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 appear 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.

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

-sd/-
24/02/2021

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.XIII, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-8, ALL WOMEN POLICE STATION,
THIRUMANGALAM, CHENNAI.

+1 CC to M/S.M.VINOTH Advocate on payment of necessary charges
SR.NO.2286

CRL OP.2640/2021

Date :24/02/2021

TA-02/03/2021