

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.2496 of 2021

Elavarasan

... Petitioner

Vs.

The State Rep. by
Sub-Inspector of Police
A.Pallipatti Police Station,
Dharmapuri District
(Crime No.269 of 2017)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police connected with Crime No.269 of 2017 on the file of the respondent police.

For Petitioner : Mr.M. Jayachandran

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 323, 498(A) and 511 of IPC, in Crime No.269 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.Totally there are four accused in this case and the petitioner is A4. The allegation is that the A1 married the defacto complainant on 28.06.2017 and the defacto complainant became pregnant. Thereafter, A1 along with A2 to A4 harassed the defacto complainant and demanded dowry. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner submitted that only based on the 164 statement recorded from the victim girl he was implicated in this case. He would further submit that he has not committed any offence as alleged by the prosecution .Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned additional public prosecutor would submit that the petitioners have harassed the victim girl and demanded dowry. He would further submit that 164 statement was recorded from the victim and the main accused/A1 was arrested and released on bail. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the main accused/A1 in this case was granted bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Pappireddipatti 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

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

With the above directions this criminal original petition is ordered.

-sd/-
12/02/2021

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,
PAPPIREDDIPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
A.PALLIPATTI POLICE STATION,
DHARMAPURI DISTRICT.

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

CRL OP.2496/2021

Date :12/02/2021

TA-26/02/2021