

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.3400 of 2021

1 K.VIJAYALAKSHMI
2 MANIMEKALAI

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ADAYAR, CHENNAI DISTRICT.
CRIME NO.02/2019.

[RESPONDENT]

For Petitioner : M/S.P.RAJENDIRAN Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (CrI. 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 294(b), 323 and 498(A) IPC, r/w 3 and 4 of Dowry Prohibition Act, in Crime No.2 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of A1. The petitioners are the sisters of A1. Further, the petitioners along with A1 had harassed the defacto complainant and demanded additional dowry. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are the sisters of A1. He would further submit that originally a case was registered by the All Women Police Station, Tenkasi, subsequently, the case was transferred to the respondent police. He would further submit that A1 had already been granted anticipatory bail by this Court in CrI.O.P.No.17764 of 2020 dated 16.12.2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the defacto complainant is the wife of A1. Further, the petitioners along with A1 had harassed the defacto complainant and demanded additional dowry. She would further submit that originally a case was registered by the All Women Police Station, Tenkasi, subsequently, the case was transferred to the respondent police. She would further submit that the investigation has been completed and the final report has been filed before the 19th Metropolitan Magistrate, Saidapet and the case was taken cognizance in C.C.No.441 of 2020. However, she vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that the co-accused had already been granted anticipatory bail and the investigation has also been completed and there is no previous case pending as against the petitioners, 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 learned IX Metropolitan Magistrate, 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 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.IX,
SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ADAYAR, CHENNAI DISTRICT.

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

CRL OP.3400/2021

Date :26/02/2021

MK:10/03/2021

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