

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6381 of 2021

1 ABDHUL RAHIM
2 KARIMMUNISHA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVALLUR,
THIRUVALLUR DISTRICT.
CRIME NO.4/2021

[RESPONDENT]

For Petitioner : M/S C.S.SARAVANAN Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

For Intervener : M/S. L.KAVASKAR Advocate

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 under Sections 498(A), 294(b) of I.P.C. and Section 4 of Dowry Prohibition Act, 1961 in Cr.No.4 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with the other accused are alleged to have demanded dowry from the defacto complainant and harassed her, due to which, she attempted to commit suicide. The petitioners are the father - in - law and mother - in - law of the defacto complainant and they are arrayed as A2 and A3 in the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and further submitted that there is no specific allegation against the petitioners.

4. The learned counsel appearing for the defacto complainant/ intervenor vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor submitted that main allegation is against A1/ husband of the defacto complainant.

6. Considering the fact that there is no specific allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 Judicial Magistrate No.II, Thiruvallur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 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 Court concerned 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 petitioner 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
09/04/2021

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,
NO.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVALLUR,
THIRUVALLUR DISTRICT.

+1 CC to M/S C.S.SARAVANAN Advocate on payment of necessary charges SR.No.4676

CRL OP.6381/2021

cs 19/04/2021

Date :09/04/2021

WEB COPY