

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.6648 of 2020

1.M.Abinav Shankar
2.K.Manikantan
3.Anusuya

... Petitioners

Vs.

The State rep. by the Inspector of Police,
W-20, All Women Police Station,
Saidapet, Chennai-600 015.
(Crime No.3 of 2020 altered
Crime No.268 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.3 of 2020 which altered as Crime No.268 of 2020 on the file of the respondent Police.

For Petitioners : Mr.A.Arumugam

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence under Section 498(A), 406, 354 and 506(i), in Crime No.3 of 2020 altered Crime No.268 of 2020, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that there is a matrimonial dispute between the petitioners and the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and no way connected with this crime and they have been falsely implicated in this case. He would further submit that the matter has been settled between the parties. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners have assaulted the defacto complainant, due to which, they demanded more dowry. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, this matter has been settled between the parties, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 Court, Saidapet, Chennai, on condition that the petitioners 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 petitioners 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 petitioners 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.

[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.

-sd/-

06/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

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,
W-20, ALL WOMEN POLICE STATION,
SAIDAPET, CHENNAI 600 015.

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

CRL OP.6648/2020

Date :06/01/2021

TA-02/02/2021



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