

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.10625 of 2020

& CRL.MP.No.4763 of 2020

MOHAMMED ZEESHAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THR INSPECTOR OF POLICE,

AWPS, AMBUR,

THIRUPATHUR DISTRICT.

(CRIME NO. 6 OF 2020)

M.SADIQUA ARMAN

[INTERVENER / DEFACTO COMPLAINANT]

ORDERED AS PER ORDER OF THIS COURT

DATED 15/04/2021 MADE IN

CRL.MP.NO.4763 OF 2020

IN CRL.OP.NO.10625 OF 2020

For Petitioner : M/S. S.P.ARTHI Advocate

For Respondent : M/S.KRITIKA KAMAL .P, Government Advocate (Crl.side)

For Intervener : M/S. N.SUDHARSAN Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498 (A) and 420 of IPC r.w Section 4 of Dowry Prohibition Act, in Crime No.6 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a matrimonial dispute between the petitioner and the defacto complainant, as a result of which, the petitioner had demanded additional dowry from the defacto complainant and harassed her. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner had demanded additional dowry from the defacto complainant and harassed her. Earlier, this Court directed the petitioner and the defacto complainant to appear before the Mediation Centre for amicable settlement. The Mediation Centre had completed the process and the report is filed stating that no agreement was reached. Hence, she vehemently opposed grant of anticipatory bail to the petitioner.

5. The learned counsel for the intervenor/defacto complainant also vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, the complaint being on account of a matrimonial dispute and there being no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 of receipt of a copy of this order, before the Addl District Munsif cum Judicial Magistrate, Ambur, 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 and on further condition that:

(a) the petitioner 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 petitioner 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 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]; and;

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

-sd/-
15/04/2021

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 ADDITIONAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AWPS, AMBUR,
TIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.P. ARTHI Advocate on payment of necessary charges
SR.No.4844

CRL OP.10625/2020
& CRL.MP.4763/2020

Date :15/04/2021

cs 27/04/2021