

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2021

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P No.8868 of 2021

1. R.Dhinesh
 2. Rajavelu
 3. R.Balambigai
 4. M.Kuzhandaisami
 5. R.Vijayakumar
 6. K.Kalpana @ Kalpana Devi
 7. V.Mohan @ Chandramohan
- .. Petitioners/Accused

Vs.

State of Tamil Nadu
Rep. By Inspector of Police,
AWPS Police Station,
Sethiyathope,
Cuddalore District
(Crime No.08 of 2021)

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.08 of 2021 on the file of the Inspector of Police, All Women Police Station, Sethiyathope, Cuddalore District.

For Petitioners : Mr.B.Balamurugan

For Respondent : Mr.J.C.Durairaj
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 294 (b), 498 (A), 506 (i) of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.8 of 2021, on the file of the respondent police, seek anticipatory bail.

2. According to the FIR, the marriage took place between the first petitioner and the victim girl in the presence of their friends. Thereafter, there was a problem between them and therefore, the defacto complainant filed a complaint before the learned Judicial Magistrate cum Munsif Court, Katumannarkovil. The said learned Magistrate Court has forwarded the same to the concerned Police. Therefore, the case was registered by the respondent police.

3. The learned counsel for the petitioners would submit that the false complaint has been given against these petitioners and they have not connected with the crime as alleged by the prosecution. He would further submit that there was a family dispute between the petitioners and the complainant.

3. The learned Additional Public Prosecutor would submit that second and third petitioner demanded dowry from the defacto complainant and therefore, the defacto complainant lodged a complaint. Hence, he vehemently opposed to grant anticipatory bail to these petitioners.

4. This Court considered the submissions made by the learned counsel for all the parties concerned and also perused the FIR.

5. The Supreme Court has laid down the law regarding grant of anticipatory bail in the case of Gurbaksh Singh Vs. State (AIR 1980 SC 1632) and considering the fact that the custodial interrogation of the petitioners is not necessary and the fact that there is no apprehension that the petitioners may abscond, the petitioners are granted anticipatory bail in the event of arrest or on their appearance, before the learned Judicial Magistrate cum Munsif Court, Kattumannarkovil, Cuddalore, on condition that the petitioners shall execute own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and further condition that:

[a] the petitioners shall make himself available for interrogation by a police officer as and when required;

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall appear before the Court below, whenever required.

[e] the petitioners shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his/her identity.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

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

-sd/-

19/05/2021

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE CUM MUNSIF,
KATTUMANNARKOVIL,
CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

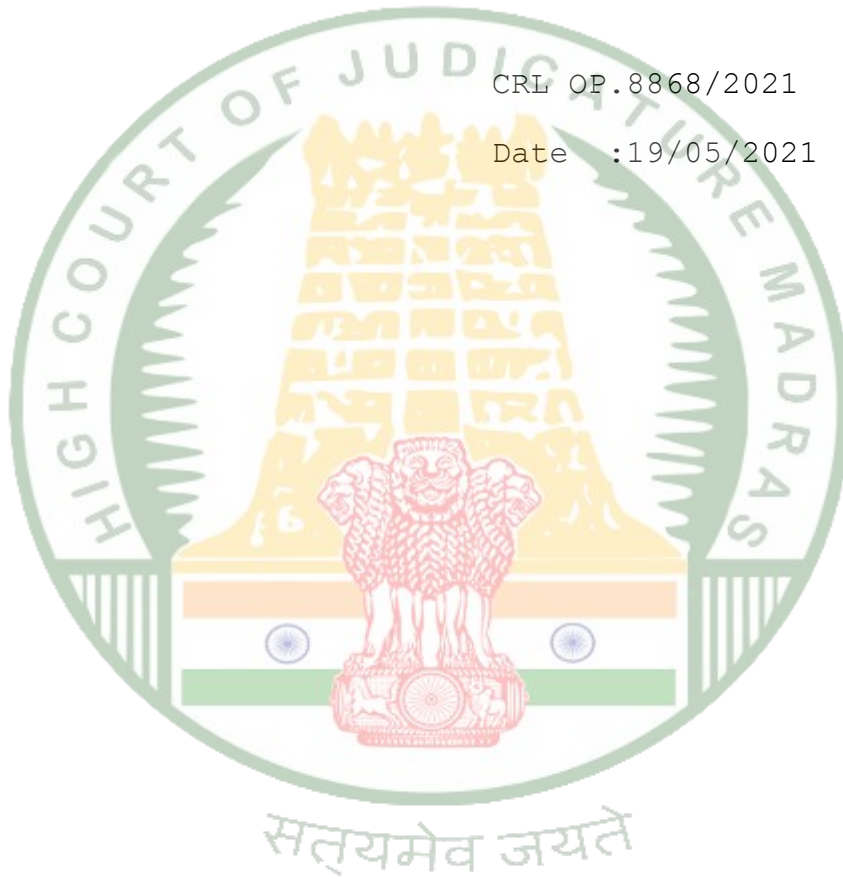
4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SETHIYATHOPE,
CUDDALORE DISTRICT.

+1 CC to M/S.B.BALAMURUGAN Advocate on payment of necessary charges
SR.No.6215

CRL OP.8868/2021

Date :19/05/2021

cs 16/06/2021



WEB COPY