



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2021

WEB COPY

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CRL.O.P.No.10086 of 2021

1.S.Vignesh Raj
2.V.Sekar
3.S.Kanaga

... Petitioners

Vs.

State Represented by,
The Inspector of Police,
All Women Police Station,
Avadi, Chennai District.
(Cr.No.08/2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, to enlarge the petitioners on Anticipatory bail in the event of their arrest in Crime No.08/2021 on the file of the respondent police pending investigation.

For Petitioners : Mr.G.Punniakoti

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

O R D E R

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under sections 498 (A) & 406 IPC in crime No.8 of 2021 and seek anticipatory bail.

2. The case of the prosecution is that the petitioners have demanded dowry from the defacto complainant who is the wife of the first petitioner. The second and third petitioners are the parents of the first petitioner.

3. According to the petitioners, FIR was registered against them only based on the directions given by Judicial Magistrate in a private complaint filed under section 156(3) of Cr.P.C. It is the case of the petitioners that the marriage between the first petitioner and the defacto complainant took place on 05.12.2016 and the complaint was registered in Crime No.08 of 2021 before the respondent police on 20.04.2021. According to the petitioners, they are innocent and they never demanded any dowry from the defacto complainant and they are not involved in the alleged offences.



4. After giving due consideration to the aforementioned factors, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfillment of the certain conditions.

5. 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 lifting of lock down or commencement of Courts normal functioning whichever is earlier before the learned IX Judicial Magistrate, Ambattur on condition that each of the petitioners shall execute separate bonds 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, the 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.

[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 abscond/s, a fresh FIR can be registered under Section 229A IPC.



6. With the aforesaid directions, this Criminal Original Petition stands ordered.

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-sd/-
09/06/2021

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.IX,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
AVADI, CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.10086/2021

Date :09/06/2021

MK:22/07/2021