

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Cr1.O.P.No.10162 of 2021

1. Nethaji

2. Nagarani

... Petitioners

Vs.

State: Inspector of Police,
All Women Police Station,
Tirupathur,
Tirupathur District.
(Crime No.03 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to grant anticipatory bail to the petitioner in the event of arrest in connection with Crime No.03 of 2021 pending on the file of the Inspector of police, All Women Police Station, Tirupathur, Tirupathur District.

For Petitioners : Mr.M.P.Saravanan

For Respondent : Mr.L.Baskaran,
Government Advocate (Cr1.Side)

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294 (b), 506(i) of IPC and Section 4 of Tamil Nadu Women Harassment Act and Section 4 of Dowry Prohibition Act, in Crime No.03 of 2021, seek anticipatory bail.

2. The first petitioner is the wife of the defacto complainant and the second petitioner is the mother-in-law of the defacto complainant.

3. It is the case of the prosecution that the petitioners have received a sum of Rs.8,50,000/- from the defacto complainant as dowry and they have also caused mental cruelty to her. However, it is the case of the petitioners that the defacto complainant is not the wife of the first petitioner and further they have pleaded innocence to the alleged commission of the offences.

4. This Court after giving due consideration of the afore mentioned factors is inclined to grant anticipatory bail to the petitioners subject to the fulfilment of the following 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 Judicial Magistrate-II, Tirupathur, on condition that the petitioners shall execute a separate 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, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain their Aadhar cards or Bank pass Books to ensure/verify their identities;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks from the date of lifting of lock down and thereafter as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witnesses either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] if there is 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 per P.K.Shaji principle being law laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and

[f] though obvious, it is made clear that if the accused/petitioners herein thereafter absconds, consequences ingrained in Section 229-A IPC will follow wherever applicable.

-sd/-
11/06/2021

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.II,
TIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
TIRUPATHUR,
TIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.P.SARAVANAN Advocate on payment of necessary charges

सत्यमेव जयते CRL OP.10162/2021

Date :11/06/2021

MK:08/07/2021

WEB COPY