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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.No.11113 of 2021

1.Velmurugan
2.Anbazhagi
3.Rajenthiran
4.Govinthan
5.Rajalakshmi

... Petitioners/Accused 1 to 5

Vs.

The State rep.by
Inspector of Police,
All Women Police Station,
Panruti, Cuddalore District.
(Crime No.11 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.11 of 2021 on the file of the Respondent Police.

For Petitioners : Mr.M.Selvam

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 294(b) and 506(1), of IPC, in Crime No.11 of 2021, on the file of the respondent police, seek anticipatory bail.

2.There are totally five accused, the petitioners are husband, mother-in-law, father-in-law, brother-in-law and sister-in-law of the defacto complainant respectively. The case of the prosecution is that the marriage between the 1st petitioner and the defacto complainant had taken place in the year 2019 and they were blessed with a male child namely Lingesh and thereafter matrimonial dispute arose, the



1st petitioner and others harassed the defacto complainant for want of dowry and subjected her to cruelty. Hence, on the complaint lodged by the defacto complainant, a case has been registered against the petitioners.

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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that there are totally five accused, the defacto complainant lodged a complaint alleging that the petitioners and others subjected her to cruelty for want of dowry. Hence, he vehemently opposed to grant of anticipatory bail to the petitioners.

5. Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

6. Taking into consideration of the serious nature of offence committed by the 1st petitioner, this Court is not inclined to grant anticipatory bail to the 1st petitioner. The Criminal Original Petition in respect of the 1st petitioner stands dismissed.

7. Taking into consideration of the fact that the petitioners 2 to 5 are only the parents, brother and sister of the 1st accused, this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 with certain conditions.

(a) Accordingly, the petitioners 2 to 5 are directed 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 is made ready, before the learned Additional Session Judge, Cuddalore, on further condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties each for the 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 automatically;

[b] the petitioners 2 to 5 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners 2 to 5, shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.



[d] the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 2 to 5 shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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].

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

8. With the above directions, this Criminal Original Petition in respect of the 1st petitioner stands dismissed. The Criminal Original Petition in respect of the petitioners 2 to 5 stands ordered.

-sd/-

29/06/2021

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 ADDITIONAL SESSION JUDGE,
CUDDALORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PANRUTI, CUDDALORE DISTRICT.

+1 CC to M/S. M.SELVAM Advocate on payment of necessary charges
SR.No.6956

CRL OP.11113/2021

Date :29/06/2021

cs 12/07/2021