



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Third day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13478 of 2021

1 K.ARUN
2 A.AMSHA
3 E.ARCHANA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARMAPURI DISTRICT.
(CR.NO.10/2021)

[RESPONDENT]

For Petitioner : M/S.S.CHINNASAMY Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

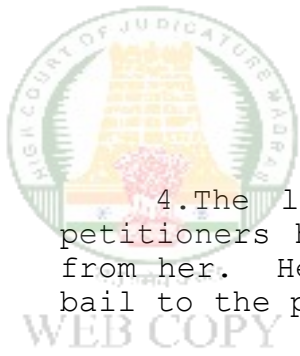
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A) of I.P.C and Section 4 of TNPWH Act in Crime No.10 of 2021 seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant married the first petitioner. Due to the said wedlock a child was born to them. It is alleged that when the defacto complainant was residing in her matrimonial home, the second and third petitioners who are in-laws of the defacto complainant abused her and driven her from the matrimonial home and they have planned to perform second marriage for the first petitioner. Hence, the defacto complainant has lodged a complaint against the petitioners.

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



4.The learned Government Advocate (Crl.Side) submits that the petitioners had tortured the defacto complainant and demanded dowry from her. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the main overt act is against the first petitioner, this petition is dismissed with regard to A1 and with regard to second and third petitioners are in-laws, this Court is inclined to grant anticipatory bail with certain conditions:

6.Accordingly, the second and third 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 receipt of a copy of this order, before the *learned Additional Mahila Court at Dharmapuri District* on condition that the second and third petitioners shall execute a separate bond for a sum of Rs.10,000/- each (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 second and third petitioners 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 second and third petitioners shall report before the respondent police as and when required for interrogation.

(c) the second and third petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the second and third 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 second and third 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]*; and;



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

WEB COPY

-sd/-

03/08/2021

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 MAHILA COURT
DHARMAPURI DISTRICT.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARMAPURI DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.13478/2021

Date :03/08/2021

CSK 12/08/2021