



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15665 of 2020

and

Crl.MP.Nos.6217 of 2020

1. Viji
2. Sekar Rajaroopsingh
3. Hees Pream Tyson

... Petitioners

Vs.

State rep by
The Inspector of Police,
W-28, All Women Police Station,
Ambattur.
(Crime No.13 of 2020)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners/accused on bail in the event of their arrest or surrender in connection with Crime No.13 of 2020 pending investigation on the file of the respondent police.

For Petitioners: Mr.V.Bhagyaraj

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

For Intervenor : M/S M.ARUMUGAM

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498-A, 406 and **(*)506(i)** of IPC r/w Section 4 of The Dowry Prohibition Act in Crime No.13 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are in-laws of the defacto complainant. The petitioners herein abused and assaulted the defacto complainant and demanded dowry from her, for which, they thrown out the defacto complainant from the matrimonial home and also not to returned the seedhana property. Hence, the case was registered against the petitioners on the complaint made by the defacto complainant.



3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there are some difference of opinion between the spouses which has led to the filing of the complaint. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that due to dowry demand, there are some differences between the spouses, owing to which, the petitioners herein abused and assaulted the defacto complainant and demanded dowry from her, for which, they thrown out the defacto complainant from the matrimonial home and also not to returned the seedhana property. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Since the dispute was between the warring spouses, considering the fact that there is a possibility of amicable settlement, this Court referred the matter to the Tamil Nadu Mediation and Conciliation Centre, High Court of Madras, Chennai - 600 104. The parties were directed to appear before mediation centre, but inspite of efforts, no settlement was arrived between the parties and hence the matter has been posted before this Court. In view of the fact that no settlement could be reached between the parties and further taking into consideration that the complaint is on the basis of a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 receipt of a copy of this order, before the learned Judicial Magistrate, Ambattur, Chennai on condition that each of the the petitioners shall execute a 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 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(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]; and;

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

7. With the above observations, this Criminal Original Petition is ordered. Consequently connected miscellaneous petition is closed.

-sd/-

21/06/2021

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.

**(*) AMENDMENT MADE VIDE ORDER DATED 21.06.2021
MADE IN CRL.MP.NO.6226 OF 2020**

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
W-28, ALL WOMEN POLICE STATION,
AMBATTUR, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



COPY TO:

THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

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

CRL OP.15665/2020

Date :21/06/2021

RVR 16/07/2021