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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14483 of 2021

1 PRAGATHISHAKARTHIK [PETITIONERS / ACCUSED]
2 M.VIJAYABASKARAN
3 SHANMUGAPRIYA

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI, TIRUVALLUR
CRIME NO. 23/2021

For Petitioners : M/S.S.M.A.JINNAH Advocate

For Respondent : M/S.C.E.PRATAP, 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 for the alleged offence punishable under Section 498-A, 406, 323, 506(ii) of IPC and Section 4 of Tamil Nadu Woman Harrassment Act in Crime No.23 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and the second and third petitioners are the in-laws of the defacto complainant respectively. The husband of the defacto complainant had illicit relationship with another woman before the marriage. After the marriage and with inducement of the in-laws, the defacto complainant's husband has demanded more dowries from her and if she failed to produce the same, she was eliminated from the matrimonial house. Hence, the present complaint was lodged by the defacto complainant .

3. The learned counsel appearing for the petitioners submits 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 the defacto complainant had deserted her matrimonial home within two weeks from the date of marriage. Hence, he prays for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl.Side) submits that due to matrimonial dispute between the first petitioner and the defacto complainant, the present complaint was filed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and with regard to first petitioner/husband, there was some allegations made against him, this court is not inclined to grant anticipatory bail to the first petitioner/husband. With regard to other petitioners 2 and 3, being in-laws to the defacto-complainant, there was no serious allegations levelled against them and hence, this Court is inclined to grant anticipatory bail to the other petitioners .

6.Accordingly, petitioners 2 and 3 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 No.1, Ponneri on condition that petitioners 2 and 5 shall execute a 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 and on further condition that:

(a) petitioners 2 and 3and 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) petitioners 2 and 3shall 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) petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d) petitioners 2 and 3 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 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]; and;

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

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7. This Criminal Original petition is dismissed as against the first petitioner/husband.

-sd/-
17/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI, TIRUVALLUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.M.A.JINNAH Advocate on payment of necessary charges SR.NO. 8652

CRL OP.14483/2021

Date :17/08/2021

JPA 27/08/2021

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