

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.16608 of 2020

1 J.SANTHOSH
2 JEYABALAN
3 MALATHI

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY ITS
INSPECTOR OF POLICE,
AWPS UDUMALPET,
TIRUPPUR DISTRICT.
CR.NO.11 OF 2020.

[RESPONDENT]

For Petitioner : M/S. T.SHANMUGAM Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498(A) IPC and Sec 4 of Dowry Prohibition Act 1961, in Crime No.11 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. Totally there are three accused persons involved in this crime and the petitioners are arrayed as A1 to A3. The 1st petitioner is the husband and the 2nd and 3rd petitioners are the in-laws of the defacto complainant. The case of the prosecution is that the defacto complainant got married the 1st petitioner in the year 2019. Thereafter, the petitioners had demanded dowry and harassed the defacto complainant, before marriage, only part of the dowry amount has been paid by the parents of the defacto complainant, and after the marriage, the petitioners had demanded another sum of Rs.10,00,000/-. Hence, the defacto complainant left the matrimonial home and the complaint has been given. Earlier the matter has been referred for Mediation, now, it is stated that even though the petitioners appeared before the Mediation, the defacto complainant had not appeared. Hence the matter has been referred to this Court for further orders.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that pending the petition, the 2nd petitioner died in the last week. He would further submit that there is no previous case pending as against these petitioners and the petitioners are ready and willing to settle the matter. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that it is a matrimonial dispute between A1 and the defacto complainant. He would further submit that the petitioners had demanded additional dowry and harassed the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case that earlier it is a matrimonial dispute, now the petitioners are ready and willing to settle the issues but it is stated that the defacto complainant is not co-operating. There is no previous case pending as against these petitioners now it is stated that the 2nd petitioner died, therefore, this Criminal Original Petition is dismissed as against the 2nd Petitioner. This Court is inclined to grant anticipatory bail to the 1st and 3rd petitioners with certain conditions.

6. Accordingly, the 1st and 3rd petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.1, Udumalpet, 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 Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the respondent police 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]**.

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
23/03/2021

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.I,
UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS UDUMALPET,
TIRUPPUR DISTRICT.

+1CC to M/S. T.SHANMUGAM Advocate on payment of necessary charges SR NO.3911

CRL OP.16608/2020

Date :23/03/2021

MK:01/04/2021