

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.17906 of 2020

1. Anandaraj
2. Gopikumar
3. Devaki

.. Petitioners

Vs.

State represented by
Inspector of Police,
W8, All Women Police Station,
Tirumangalam, Chennai.
(Crime No.19 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioners on bail in the event of their arrest in Crime No.19 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Ms.Thenmozhi Sivaperumal

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Section 498(A) of IPC r/w Section 4 of Dowry Prohibition Act in Crime No.19 of 2020, seeks anticipatory bail.

2. Earlier, when the matter came up for hearing, it was mentioned that when the 1st petitioner was arrested and produced before the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai, he refused to remand the accused and hence this Court directed the Registry to call for a report from the concerned Magistrate.

3. As directed, today (17.02.2021) the report has been filed before this Court, wherein, the learned Magistrate has stated that the reason given for remanding the accused was not satisfactory and hence he has not remanded the accused. This Court is not satisfied with the report given by the learned Magistrate.

4. It is now stated that the 1st petitioner is a habitual offender and already he has cheated two other ladies and two criminal complaints were filed against the 1st petitioner and subsequently the 1st petitioner settled the matter with the said two ladies. This is the third occurrence. Without considering the said facts and the gravity of the offence, the learned Magistrate has treated the matter so casually and refused to remand the accused. The learned Judicial Magistrate while considering the remand, he has to apply his mind and find out whether cognizable offence is made out or not, he cannot mechanically follow the judgments and refuse to accept the remand. In future, the learned Judicial Magistrate is directed to strictly follow the procedure while considering the remand of the accused.

5. Ms. Thenmozhi Shivaperumal, learned counsel appearing for the petitioners seeks permission of this Court to withdraw the criminal original petition as the petitioners were not remanded.

6. In view of the above request made by the learned counsel for the petitioners, this Criminal Original Petition stands dismissed as withdrawn.

-sd/-

17/02/2021

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 METROPOLITAN MAGISTRATE,
ADDITIONAL MAHILA COURT,
EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
W-8 ALL WOMEN POLICE STATION,
TIRUMANGALAM,
CHENNAI.

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

CRL OP.17906/2020

Date :17/02/2021