



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19054 of 2021

1 M.KESAVAKUMAR [PETITIONERS / ACCUSED]
2 P.MANI
3 M.LAILA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPATTUR.
CR.NO.11 OF 2021.

For Petitioner : M/S. M.VENKADESHAN Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

For Intervener : MR.E.KANNADASAN, Advocate

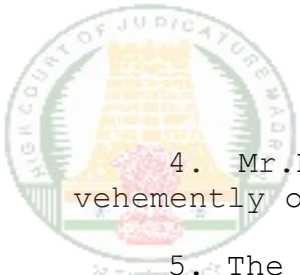
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offence punishable under Sections 498A and 494 of IPC r/w Section 4 of Dowry Prohibition Act in Crime No.11 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is husband and petitioners 2 and 3 are in-laws of defacto complainant and that the petitioners ill-treated the defacto complainant by demanding more dowry and the first petitioner has got second marriage with one Karpagam without getting any divorce. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits the petitioners are no way connected with the offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioners.



4. Mr.E.Kannadasan, the learned counsel for the Intervenor vehemently opposed for grant of bail to the petitioners.

5. The learned Government Advocate (Crl.Side) submits that there was a matrimonial dispute between the first petitioner and the defacto complainant, the present complaint has been filed.

6. Considering the facts and circumstances of the case and the submissions made by both counsel, there is a serious allegations made against the first petitioner, this Court is not inclined to grant anticipatory bail to the 1st petitioner. With regard to 2nd and 3rd petitioners, being the in-laws of the defacto complainant and there is no specific overtact against them, this Court is inclined to grant anticipatory bail to 2nd and 3rd petitioners.

7. Accordingly, the 2nd and 3rd 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 No.1, Thirupathur** on condition that each of the petitioners shall execute 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) the 2nd and 3rd 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 2nd and 3rd petitioners being the Senior Citizens shall report before the respondent police as and when required for interrogation;**

(c) the 2nd and 3rd petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd and 3rd 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 2nd and 3rd petitioners in accordance with law as if the conditions have been imposed and the 2nd and 3rd petitioners are 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 directions, this Criminal Original Petition in respect of the first petitioner stands dismissed. The Criminal Original Petition in respect of the the 2nd and 3rd petitioners stands ordered.

WEB COPY

-sd/-
08/10/2021

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.1, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPATTUR.

+1 CC to M/S. M.VENKADESHAN Advocate on payment of necessary charges SR.NO.11268

+1 CC to M/S.E.KANNADASAN, Advocate on payment of necessary charges SR.NO.11297

CRL OP.19054/2021

Date :08/10/2021

TA-26/10/2021