

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20301 of 2020

1.M.S.Kathir Vel
2.Manickam
3.Selvam
4.M.Nirmala Devi

... Petitioners/Accused Nos.1 to 4

Vs.

The State rep. by
The Inspector of Police
All Women Police Station,
Kangeyam,
Thiruppur District.
Cr.No.18 of 2020

... Respondent/Complainant

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.18 of 2020, on the file of the respondent police.

For Petitioners : E.Kannadasan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(Heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Sections 498(A), 506(i) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.18 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. There are totally eight accused, the petitioners are husband, father-in-law, mother-in-law and sister-in-law of the defacto complainant respectively. The case of the prosecution is that the marriage between the petitioner and the defacto complainant had taken place and they were blessed with two children and thereafter matrimonial dispute arose, the petitioner and others harassed the defacto complainant for want of dowry and subjected her to cruelty and also the 1st petitioner was having illicit relationship with one

Malathy who is the accused No.5 and they are trying to marry each other. Hence, on the complaint lodged by the defacto complainant, a case has been registered against the petitioners.

3.The learned counsel for the petitioners would submit that nearly after 18 years of marriage, the defacto complainant unnecessarily developed suspicion to suspect the fidelity of the 1st petitioner as having illicit relationship with one Malathy and she left matrimonial home in 2017 an living separately with her children and she lodged a false complaint against the petitioners.

4.The learned Additional Public Prosecutor would submit that there are totally eight accused, the defacto complainant lodged a complaint alleging that the petitioners and others subjected her to cruelty for want of dowry and that the 1st petitioner had illicit intimacy with Malathy/A5 and the investigation is pending.

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate, Kangeyam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 this petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the 1st petitioner shall report before the respondent Police everyday at 10.30 a.m., until further orders, and the petitioners 2 to 4 shall report before the respondent police as and when required.

[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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/01/2021

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,
KANGEYAM.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR DISTRICT. [FOR INFORMATION]
- 3.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
- 4.INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANGEYAM, THIRUPPUR DISTRICT.

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

CRL OP.20301/2020

Date :19/01/2021

ksm01/02/2021

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