

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20235 of 2020

Malathi

.. Petitioner/Accused No.5

Vs.

The State rep. by

... Respondent/Complainant

The Inspector of Police

All Women Police Station,

Kangeyam,

Thiruppur District.

Cr.No.18 of 2020

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of their arrest in Crime No.18 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.Machavatharan

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

(Heard through video conference)

The petitioner, who apprehends 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, seeks anticipatory bail.

2. There are totally eight accused and the petitioner is ranked as A5. The case of the prosecution is that the accused 1 to 4 and others had harassed the defacto complainant demanding dowry and subjected her to cruelty and the 1st accused who is husband of the defacto complainant was having illicit intimacy with one Malathy/A5. On the complaint lodged by the defacto complainant a case has been registered against all the accused including the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the family of the 1st accused. But, the 1st accused who is the husband of the defacto complainant approached the petitioner who is working in HDB Bank for a loan but the defacto complainant unnecessarily suspected fidelity and implicated the petitioner in this case.

4.The learned Additional Public Prosecutor would submit that there are totally eight accused, the defacto complainant lodged a complaint alleging that the A1 and others subjected her to cruelty demanding dowry and that the A1 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 petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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 petitioner shall execute a 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 petitioner shall report before the respondent Police as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner 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

TO

1 THE JUDICIAL MAGISTRATE,
KANGEYAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUPPUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANGEYAM, THIRUPPUR DISTRICT.

CC to M. MACHAVATHARAN Advocate on payment of necessary
charges

CRL OP.20235/2020

Date :19/01/2021

MN-01/02/2021



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