



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19544 of 2021

1 RAMPRAKASH [PETITIONERS / ACCUSED]
2 VIMALA
3 ELUMALAI

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GINGEE, VILLUPURAM DISTRICT.
CR.NO.32 OF 2021.

For Petitioner : M/S. P.SANKARANARAYANAN Advocate

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

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 offences under Section 294(b), 498(A), 313, 506 (I) of IPC, r/w Section 4 of Dowry Prohibition Act in Crime No. 32 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage of the 1st petitioner and defacto complainant was performed in the year 2018. Thereafter the defacto complainant became pregnant. However the petitioner family members had given papaya fruit juice for the purpose of aborting the foetus and thereafter continued to threaten the defacto complainant by demanding more dowry. Hence the complaint was registered by the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the defacto complainant forced the 1st petitioner to come along with her separately leaving his old age parents. Hence he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.Side) submits that the 1st petitioner has filed a petition for restitution of conjugal rights in HMOP No.9 of 2021 pending on the file of the Sub Ordinate Judge, Gingee. However, he opposed grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also taking note of the fact that no serious allegations has been raised against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 of receipt of a copy of this order, before the **Judicial Magistrate, Gingee** 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 and on further condition that:

(a) the petitioners and the sureties shall affix his 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter 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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
21/10/2021

WEB COPY

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,
GINGEE, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GINGEE, VILLUPURAM DISTRICT.

+1 CC to M/S. P.SANKARANARAYANAN Advocate on payment of
necessary charges SR.NO.11529

CRL OP.19544/2021

Date :21/10/2021

TA-29/10/2021