

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20938 of 2020

1.Soundarrajan
2.Asha
3.Vignesh
4.K.G.Janakiraman

... Petitioners

Vs.

State rep. by its
The Inspector of Police,
AWPS, Poonamallee,
Tiruvallur District.
(Crime No.15 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Cr.No.15 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Kavikannan

For Respondent : Mr.S.Karthikeyan,
APP

For Intervener : M/S.P.Kumaresan

ORDER

(The case has been heard through video conference)

The petitioners apprehend arrest at the hands of respondent police for the offence punishable under Sections 498(A), 406, and 506(ii) of I.P.C. and Section 4 of Dowry Prohibition Act, 1961 in Crime No.15 of 2020 on the file of respondent police and now, they have filed the above petition seeking for anticipatory bail.

2. The petitioners are arrayed as 3 to 5. A1 is the husband of defacto complainant and others are in-laws of defacto complainant. The case of prosecution is that the defacto complainant married to A1 and the marriage took place in the year 2019. At the time of marriage, the defacto complainant's family has given 80 kgs. of jewels, money and other household articles. Thereafter, all the petitioners said to have harassed her and demanded dowry. Hence, she has left the matrimonial home. In the said circumstances, a criminal case has been registered against the petitioners and now apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for petitioners would submit that the defacto complainant has only left the matrimonial home and on her own, she went to her parents house. He would submit that A1 has also filed a petition seeking for divorce, which was also pending. Thereafter, the present complaint has been filed. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for respondent would submit that all the petitioners including the inlaws have harassed the defacto complainant demanding dowry. Now, the 89 sovereign of gold jewels are still with the petitioners and they are not returning the same.

5. Earlier, when the matter was taken up for hearing, the learned counsel appearing for petitioners would submit that A1, who is husband of defacto complainant, is in abroad and he is ready and willing to hand over the jewels to her. Hence, the matter was adjourned to today.

6. Today, when the matter taken up for hearing, the learned counsel appearing for petitioners would submit that A1 came to India and handed over all the jewels to the defacto complainant and also the entire articles was handed over to her.

7. The learned counsel appearing for intervenor, on instructions, would submit that they have only given the gold jewels and they have not returned other articles.

8. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor appearing for respondent.

9. Taking into consideration of the fact that now the entire jewels have been handed over to the defacto complainant and also considering the other facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions: सत्यमेव जयते

a) 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 learned Judicial Magistrate No.I, Poonamallee** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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:

[b] 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;

[c] the petitioners shall appear before the respondent police as and when required for interrogation ;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

25/02/2021

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 JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS POONAMALLEE,
THIRUVALLUR DISTRICT.

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

+1 CC to M/S.P.KUMARESAN, Advocate on payment of necessary charges SR.NO.2483

CRL OP.20938/2020

Date :25/02/2021