



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20681 of 2021

1 T.GANESH PANDIAN
2 G.SATHYA

[PETITIONERS / ACCUSED]

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VADAPALANI,
CHENNAI CITY, CHENNAI.
CRIME NO.17 OF 2021

[RESPONDENT]

For Petitioner : M/S.A.RAJARAM Advocate

For Respondent : MR. 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 apprehend arrest for the alleged offence under Sections 498(A), 406, 34 of IPC and section 3(1) of Dowry Prohibition Act, 1961 in Cr.No.17 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were close relatives of the defacto complainant's husband. The husband (A-1) and the petitioners were alleged to have demanded dowry and harassed the defacto complainant and caused stress and mental agony to the defacto complainant. Thereby, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that due to the matrimonial dispute, the defacto complainant gave a false complaint against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.side) submits that the petitioners are close relatives of A-1 and they were alleged to have demanded dowry and harassed the defacto complainant and caused stress and mental agony to the defacto complainant. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that there is no specific overt act against the petitioners, 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 learned Metropolitan Magistrate Court, Saidapet, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner/A-4 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 and the petitioner/A-5 shall appear before the respondent police 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/-

02/11/2021

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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 METROPOLITAN MAGISTRATE COURT,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VADAPALANI,
CHENNAI CITY, CHENNAI.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

CRL OP.20681/2021

Date :02/11/2021

INBA-17/11/2021