



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23548 of 2021

1.S.Jayagopal
2.Sureshwer
3.Suchitra Devi

... Petitioners/Accused 2 to 4

Vs.

The Inspector of Police,
All Women Police Station,
Mamallapuram,
Chengalpattu District.
(Crime No.10 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of their arrest in connection with Crime No.10 of 2021 on the file of the respondent police.

For Petitioners : Mr.I.Periasamy

For Respondent : Mr.A.Gokulakrishnan

Additional Public Prosecutor

ORDER

The petitioners who was apprehend arrest for the alleged offence under Section 498 A of IPC in Crime No.10 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are in-laws of the de facto complainant. The petitioners are alleged to have demanded dowry and tortured the defacto complainant and also threatened her with dire consequences.



3. The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and the defacto complainant lived only for two months with 1st accused and went back to the parental house. Hence, he prayed for anticipatory bail to the petitioners.

4. The learned counsel for the intervenor submits that there are some misunderstanding between the de facto complainant and the first accused and they were living separately and the defacto complainant is ready and willing to live with the 1st petitioner.

5. The learned Government Advocate [crl.side] submits that there are no previous cases pending against these petitioners and the investigation is almost completed. However, he opposed for grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the fact that there is no previous case pending against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on anticipatory 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, Chengalpattu, on condition that the petitioners shall execute separate bonds 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 petitioners shall report before the respondent police every Saturday at 10.30 a.m., for a period of four weeks and thereafter 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 anticipatory 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;

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

-sd/-
16/12/2021

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, CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MAMALLAPURAM, CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.I.PERIASWAMY Advocate on payment of necessary charges SR.NO.15052

CRL OP.23548/2021

Date :16/12/2021

JPA 27/12/2021