

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.33603 of 2019

1 SUNDARAKRISHNAN
2 UMA
3 S.RAJAGURU

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
COIMBATORE CITY POLICE STATION,
RAMANATHAPURAM, COIMBATORE.
CR.NO.967 OF 2019.

[RESPONDENT]

For Petitioner : M/S.V.MANO HARAN Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S.M.KRISHNAMOORTHY Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.967 of 2019 on the file of the respondent police for the alleged offence u/s 498 and 506(ii) of IPC and Section 4 of The Tamil Nadu Prohibition Harassment of Women Act, 2002, seek anticipatory bail.

2. There are totally three accused in the case and the petitioners are arrayed as A1 to A3 respectively. The petitioners 1 and 2 are in-laws and the 3rd petitioner is the husband of the de facto complainant. The marriage of the 3rd petitioner with the de facto complainant took place in the year 2017. According to the de facto complainant at the time of her marriage, sufficient dowry was given by her parents. The allegation is that after the marriage, the petitioners humiliated and harassed her in connection with demand of dowry. The petitioners also made physical attack on her and also criminally intimidated her.

3. The learned counsel for the petitioner submitted that the petitioners are innocents of the alleged offence and it is purely a matrimonial dispute. The 3rd petitioner had already initiated proceedings before the Family Court, Chennai, for divorce which was subsequently, transferred to the Family Court, Salem, pursuant to the order of this court made in a transfer petition filed by the de facto complainant and the same is pending for trial. Now, the matter has been referred for mediation and the mediation is going on. The present complaint has been filed in 2019 much after the divorce proceedings initiated by the 3rd petitioner.

4. The learned counsel further submitted that the petitioners were granted interim anticipatory bail by the order of this court dated 20.12.2019 and the petitioners are ready to abide by any conditions that may be imposed by this court in the event of granting regular anticipatory bail.

5. The learned counsel for the intervenor strongly opposed the petition for anticipatory bail.

6. The learned Additional Public Prosecutor fairly admitted the position that having considered the marital dispute and the other facts and circumstances of the case, this court earlier, by order dated 20.12.2019 granted interim anticipatory bail and the petitioners have been enjoying interim anticipatory bail since 2019. He further submitted that substantial investigation is over.

7. Considering the fact that it is a matrimonial dispute and the other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

[a] Accordingly, the petitioners, who have been released on interim anticipatory bail, are ordered to be released on regular anticipatory on their surrender before the learned Judicial Magistrate-II, Madurai, within a period of fifteen days from the date of receipt of a copy of this order and executing surety bond for a sum of Rs.10,000/- each with two sureties each for a like sum to the satisfaction of the court, and on further conditions 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 report before the respondent police as and when required by the police 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 have been released on bail by the learned Magistrate himself /Trial Court 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.

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

-sd/-
30/03/2021

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.II,
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
COIMBATORE CITY POLICE STATION,
RAMANATHAPURAM, COIMBATORE.

+1CC to M/S.V.MANOCHARAN Advocate on payment of necessary charges SR NO.4295

CRL OP.33603/2019

Date :30/03/2021

MK:28/04/2021