



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

Tuesday, the Twenty Eighth day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.4146 of 2021

1 MOHANARAJA
2 NARAYANASAMY
3 VASANTHAKUMARI

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VILLIANOUR, PUDUCHERRY.
CR.NO.2 OF 2021

[RESPONDENT]

For Petitioner : M/S.S.SARAVANAKUMAR Advocate

For Respondent : Mr.V.Balamurugane Public Prosecutor for Pondicherry

For Intervenor : M/S M.SENTHAMIZH SELVAN Advocate

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498-A, 294(b), 354 (A) (1) (ii), 354(D) (1) (i) of IPC r/w. Section 3 of the Dowry Prohibition Act, 1961 in Crime No.2 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the husband of the defacto complainant and the petitioners 2 & 3 are her in-laws. It is alleged that the petitioners had demanded dowry and made cruelty towards the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Public Prosecutor (Pondy) would submit that the petitioners harassed the defacto complainant by demanding dowry.



Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the learned Chief Judicial Magistrate, Pondicherry, on condition that the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner 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. The second and third petitioners shall report 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].



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

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-sd/-

28/06/2022

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 CHIEF JUDICIAL MAGISTRATE
PONDICHERRY

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VILLIANOUR, PUDUCHERRY.

3 THE PUBLIC PROSECUTOR
PUDUCHERRY

CC to M/S.S.SARAVANAKUMAR Advocate on payment of necessary
charges Sr.10257

CRL OP.4146/2021

Date :28/06/2022

RVR 30/06/2022