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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM:

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

Cr1.O.P.No.25866 of 2021

1.N.Kanmani
2.D.Anburose

.. Petitioners

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Vellore
Crime No.26 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of his arrest by the respondent police in Cr.No.26 of 2021 on the file of the respondent police.

For Petitioners : Mr.A.Vinupradha

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 498(A), 506(1) of IPC and under section 4 of Dowry Prohibition Act, in Crime Number 26 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are In-laws of the the defacto complainant. It is alleged that the defacto complainant's husband along with the petitioners harassed the defacto complainant by demanding more dowry. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are falsely implicated in the case and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor submits that A1 enlarged on bail and further submits that mediation also fixed by this Court. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering that the mediation proceedings had initiated between the defacto complainant and her husband and also considering that the petitioners are retired Government employees that they will not abscond, this Court is inclined to grant anticipatory bail to the petitioners with a condition that A1 is directed to pay Rs.10,000/- to the defacto complainant/wife as interim maintenance until the matter is resolved by appropriate forum failing which, the anticipatory bail granted shall stands canceled.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate/FTC/Mahila Court, Vellore on condition that the petitioners shall execute a 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 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 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 has been imposed and the petitioners is 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;

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-sd/-
31/01/2022

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 JUDICIAL MAGISTRATE/FTC/MAHILA COURT,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. A.VINUPRADHA Advocate on payment of necessary charges SR.No.1486

CRL OP.25866/2021

Date :31/01/2022

CSK 09/02/2022