



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 29990 of 2024

1.Sankar
2.Tamilarasi
3.Dhanushdayal

...Petitioners

Vs

The State Rep by its
The Inspector of Police,
All Women Police Station
Tambaram
(Crime No. 20 of 2023)

...Respondent

Criminal Original Petition filed u/s.482 of BNSS Act, 2023 praying to enlarge the petitioners on bail in the event of their arrest in Crime No. 20 of 2023 on the file of the Inspector of Police, All Women Police Station, Tambaram.

For Petitioner(s): Mr.S.Suresh

For Respondent(s): Mr.S.Santhosh, Govt. Adv. [Crl. Side]
Public Prosecutor

For Intervenor : Mr.J. Antony Jesuraja

ORDER

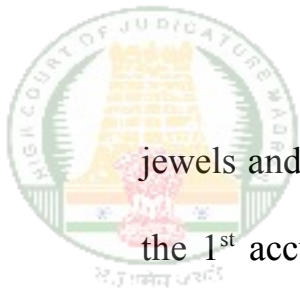
The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) 406 and 506(1) of IPC in Crime No. 20 of 2023, on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the de-facto complainant married the first accused on 10.01.2019. At the time of marriage, 15 sovereigns of gold jewels and other household articles and cash of Rs.6,00,000/- were given to the 1st accused. Further allegation is that the first accused along with his relatives had threatened the de-facto complainant and also harassed the de-facto complainant. Hence the case.

3.The learned counsel for the petitioners would submit that there was matrimonial dispute between the de-facto complainant and the 1st accused. He further submits that false complaint has been foisted against the petitioners. He would further submit that the DVC.No.6 of 2023 has been filed by the de-facto complainant/wife on the file of District Munsif Cum Judicial Magistrate, Pallavaram, against the 1st accused/Husband. He would further submit that there is no previous case pending against the petitioner. Therefore, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police while objecting the grant of anticipatory bail to the petitioner, would submit that the de-facto complainant married the first accused on 10.01.2019. At the time of marriage, 15 sovereigns of gold



jewels and other household articles and cash of Rs.6,00,000/- were given to the 1st accused. Further allegation is that the first accused along with his relatives had threatened the de-facto complainant and also harassed the de-facto complainant. He would further submit that the petitioners have no previous cases are pending against them.

5. Mr.J.Antony Jesuraja, learned Counsel appearing for the Intervenor submits that there was matrimonial dispute between the de-facto complainant and the 1st accused. He would further submits that the petitioners demanded more dowry, harassed and tortured the de-facto complainant. In this regard, DVC.No.6 of 2023 has been filed by the de-facto complainant/wife on the file of District Munsif Cum Judicial Magistrate, Pallavaram, against the petitioners. Therefore, he opposed for grant of anticipatory bail to the petitioners.

6.Heard the learned counsel for the petitioners and the learned Government Advocate (CrI.side) for the respondent and perused the materials available on record.



7. Taking into consideration the facts and circumstances of the case and that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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 ***District Munsif Cum Judicial Magistrate, Pallavaram***, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 conditions 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 accused shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.



[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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[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 269 of B.N.S.

12.12.2024

MSM
To
The Inspector of Police,
All Women Police Station
Tambaram
(Crime No. 20 of 2023)
2.The Public Prosecutor, High Court, Madras



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Crl.O.P.No. 29990 of 2024



A.D.JAGADISH CHANDIRA, J.

MSM

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