

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.21585 of 2017

1 P.D.R.KARTHIKKHEYAN,
2 D.RAGHAVAN,
3 M.V.RAMA DEVI @ R.RAMA,

[PETITIONERS / ACCUSED]

Vs

STATE BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ADYAR, CHENNAI.
CR.NO.9 OF 2017.

[RESPONDENT]

For Petitioner : M/S.V.RAVI Advocate

For Respondent : MR. B.RAMESH BABU, Govt. Advocate (Crl. Side)

For INTERVENOR : M/S.DEIVANANDAM, Advocate

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.9 of 2017 registered by the respondent police for the offence punishable under Sections 498-A, 406, 506(i), 294(b) of IPC and Section 4 of TN Prohibition of Harassment of Women Act.

2. The case of the prosecution as per the *de facto* complainant Divya Keerthika is that she got married to the first petitioner herein on 22.05.2017. At the time of marriage, the expenses to the tune of Rs.40,00,000/- were spent by the parents of the *defacto* complainant. Further, her parents also given 2.5 Kgs of gold jewels and diamond necklace worth about Rs.42.00 lakhs and 10 kgs. of silver articles. The further allegation is that from the very first day of the marriage, the first petitioner ill-treated her and also abused her on several occasions and demanding more dowry, the *defacto* complainant had been sent out of the matrimonial home.

3. The learned counsel for the petitioners would submit that the marriage between the first petitioner and the *defacto* complainant took place on 22.05.2017 and right from the day of marriage, there was no compatibility between them and there was continuous quarrels between them, which resulted in the *defacto* complainant leaving the

matrimonial home to her parents' house at Dubai. He would submit that the *defacto* complainant's parents insisted the petitioner to come and live at Dubai along with the *defacto* complainant, which was not agreed upon by the first petitioner and thereby, a false complaint has been given as if the petitioners harassed the *defacto* complainant and also demanded more dowry. He would submit that the matter was referred to Mediation and during the Mediation, the entire articles and jewels given at the time of marriage have been returned to the *defacto* complainant.

4. The learned counsel for the intervenor vehemently opposed the grant of anticipatory bail stating that the parents of the *defacto* complainant were forced to spent about Rs.40,00,000/- for the expenses towards marriage and that the future of the *defacto* complainant had been totally ruined by the attitude of the petitioners. He would submit that a direction may be given to the respondent to complete the investigation at the earliest.

5. The learned Additional Public Prosecutor submitted that as per the complaint, the first petitioner had harassed the *defacto* complainant and demanded dowry and driven her out from the matrimonial home.

6. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. 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 of receipt of a copy of this order, before the learned ***Judicial Magistrate, Alandur**, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent police daily at 10.30.a.m for a period of one week and thereafter, as and when required and the petitioners 2 and 3 shall report before the respondent 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 229-A IPC.

-sd/-
07/06/2018

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.

*** AMENDED ON PER THE ORDER OF THIS HON'BLE COURT DATED 07.06.2018
MADE IN CRL.MP.7571/2018 IN CRL.OP.21585/2017**

TO

1 * THE JUDICIAL MAGISTRATE,
ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ADYAR, CHENNAI.

+1 CC to M/S.V.RAVI Advocate on payment of necessary charges-
Sr.10156

+1 CC to M/S.M.DEIVANANDAM, Advocate on payment of necessary
charges-Sr.10146

CRL OP.21585/2017

Date :07/06/2018

THS : 21.06.2018