

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6098 AND 6101 of 2020

1 T.KRISHNAMURTHY
2 R.KRISHNAVENI

[PETITIONER/ ACCUSED
IN CRL OP.6098/2020]

K.ELANGO VAN

[PETITIONER/ ACCUSED
IN CRL OP.6101/2020]

Vs

1 THE STATE REP BY,
INSPECTOR OF POLICE,
W-28, ALL WOMEN POLICE STATION,
AMBATTUR, CHENNAI.
CR.NO.205 OF 2019.

[RESPONDENT IN BOTH PETITIONS]

For Petitioner : M/S.P.V.BALASUBRAMANIAM
FOR M/S.G.ABRAHAM PRABHU Advocate
[IN BOTH PETITIONS]

For Respondent : MR.C.IYYAPPARAJ
ADDITIONAL PUBLIC PROSECUTOR [IN BOTH PETITIONS]

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 Section 498-A, 406 and 506(i) of IPC in Crime No.7 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the petitioner in O.P.No.6101 of 2020 was married to one Ms.Saranya, the defacto complainant on 25.05.2018. Due to domestic disputes, they were living separately. Therefore, the petitioner in O.P.No.6101 of 2020 has filed a divorce petition in O.P. No.2479 of 2019 before the learned VII Additional Judge, Family Court, Chennai. During the pendency of the case, the defacto complainant has lodged a complaint before the respondent police against her husband, mother-in-law and father-in-law alleging dowry harassment and criminal breach of trust etc.

3. Learned counsel for the petitioners would submit that Mr.Elangovan has married one Ms.Saranya with the blessing of both the family as per Hindu Rites and Customs at IVR Thirumana Mandapam, J.N.Road, Oil Mill, Tiruvallur on 25.05.2018. Due to the

differences of opinion, HMOP.No.2479 of 2019 has been filed before the Family Court, Chennai by Mr.Elangovan, the petitioner in Crl. O.P.No.6101 of 2020. On receipt of the summons from the Family Court, Mrs.Saranya, W/o.Elangovan, as a counter blast, the defacto complainant has given a criminal complaint against her husband and in-laws, who are the petitioners herein. Subsequently, the same has been registered for the offences under Section 498-A, 406 and 506 (i) IPC. The learned counsel for the petitioners would further submit that even initially, when the defacto complainant's parents made marriage arrangements, his wife-the defacto complainant, refused to accept the marriage, for which the petitioner in Crl. O.P.No.6101 of 2020, the husband of the defacto complainant, only made arrangement for counselling even before the date of marriage. In support of his submission, the learned counsel for the petitioners has also submitted a report given by Dr.T.Sathyanarayaneem, Consultant Psychologist of Bharathirajaa Hospital and Research Centre Private Limited, which is enclosed with the typed set of papers at page nos.25 to 31, stating that the marital counselling has been held in eight sessions on various dates to counsel both the petitioner and the defacto complainant. It is also stated in the said report that Mrs.Saranya, after attending the sessions, was assessed to have personality problems (adjustment problem & low self esteem) behavioural (emotional) problem and was ready to co-operate for the treatment. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that when the marriage of the defacto complainant and Mr.Elangovan was solemnized on 25.05.2018, the defacto complainant has made serious allegations including fraud said to have been committed by her husband by making the defacto complainant to believe as if he is employed as Pilot.

5. Refuting the same, the learned counsel for the petitioners has produced an agreement made between the husband of the defacto complainant and Indigo Airlines to show that that the petitioner-husband is a well trained Pilot.

6. Heard the submissions made on either side. This Court has also perused the materials available on record including the employment agreement made between the petitioner in Crl.OP.No.6101/2020 and Indigo Aviation Limited. As such, the allegation made by the defacto complainant that her husband has played a fraud on her by falsely stating that he is working in Indigo Aviation Limited, cannot be accepted. Further, a perusal of the report of the Dr.T.Sathyanarayaneem Consultant Psychologist of Bharathirajaa Hospital and Research Centre Private Limited shows that the defacto complainant is having personality problem (adjustment problem & low self esteem) behavioural (emotional) problem.

7. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 Judicial Magistrate, Ambattur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners (in Crl.OP.No.6098 of 2020) shall report before the respondent police as and when required for interrogation. Since the petitioner in O.P.No.6101 of 2020 is serving as a Pilot, he shall report before the respondent police as and when required for interrogation during holidays.

[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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
18/03/2020

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-28, ALL WOMEN POLICE STATION,
AMBATTUR, CHENNAI.

+2 CC to M/S. G.ABRAHAM PRABHU Advocate on payment of
necessary charges SR.NO.5503,5504

CRL OP.6098 and 6101 of 2020

Date :18/03/2020

GKS:18/09/2020



WEB COPY