

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.05.2020

THE HON'BLE MR.JUSTICE T.RAVINDRAN

CRL.OP.No.7417 of 2020

1. E. Kumaran
2. E. Kasthuri

... Petitioners

Vs.

State Rep. by Inspector of Police
T-2.Ambattur Estate Police Station
Ambattur Industrial Estate,
Chennai 600 050

...Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Cr.PC, seeking bail to the Petitioners in the event of arrest in Crime Number 255 of 2020 on the file of Inspector of Police, Ambattur Estate Police Station, Chennai.

For Petitioner : Mr.PradeepJayaraman

For Respondent : Mr.ShanmugaRejendran
Public Prosecutor

ORDER

Apprehending arrest for the offences punishable under Sections 324, 498(A), 294(B) and 506(2) IPC in Crime No.255 of 2020 on the file of the Respondent Police, the petitioners have come forward with this petition seeking for Anticipatory Bail.

2. According to the prosecution, the defacto-Complainant is the wife of the first Petitioner and daughter-in-law of the second petitioner and the defacto-complainant got married to the first petitioner about 13 years ago and from the very inception of the marriage between them, the relationship between them had not been cordial and according to the prosecution, the petitioners had been demanding the defacto-complainant to provide more dowry and on that score picking up quarrel with her and also ill-treating her continuously. Further it is put forth that on 15.04.2020 at 11 a.m. while the defacto complainant was cooking, the petitioners questioned her about switching on the kitchen chimney and it is stated that the petitioners used filthy language against the defacto-complainant and poured hot water on her body and the first petitioner also attacked her with aruvalmanai and also threatened her with dire consequences if she discloses the same and further it is put forth that the defacto-complainant was admitted in the hospital with the help of the neighbours and hence the petitioners had committed the offences put forth against them.

3. According to the petitioners, the relationship between the defacto complainant and the first petitioner has not been smooth from the inception of their marriage and the defacto complainant used to often quarrel with the first petitioner and his parents on filmsy grounds and also used to leave the matrimonial home and go to her paternal home without informing the first petitioner or his parents and also would behave in a rude and violent manner on being questioned and beat the petitioners with household utensils and it is stated that the first petitioner had been tolerating her attitude and conduct only because of the two daughters born to them and thus it is stated that the defacto-complainant has falsely lodged the complaint against the petitioners. It is also stated that due to the mental torture and cruelty inflicted by the defactocomplainant, the first petitioner had preferred Divorce Petition against the defacto-complainant way back in 2010 in H.M.O.P. No.199 of 2010 on the file of the Subordinate Court, Poonamallee, however, the same had been withdrawn in the year 2014. Further it is stated that, inasmuch as the defacto complainant had not changed her attitude and continued to torture the petitioners, the first petitioner had lodged another petition for divorce against the Defacto complainant in HMOP No.887 of 2018 on the file of the Subordinate Court, Poonamallee and the same is pending. It is also stated that on the date of occurrence, the petitioners asked the defacto complainant to switch on the kitchen chimney and following the verbal quarrel between them, the defacto complainant had thrown the kitchen utensils on the petitioners and also the hot dal gravy and when the first petitioner resisted the same, the dal gravy fell on the defacto complainant accidentally and therefore, according to the petitioners, they had not committed the offences levelled against them and the case has been falsely foisted against them and they are ready to cooperate with the investigation and also abide with any condition that may be imposed by the court and therefore, prayed for their enlargement on bail in the event of arrest.

4. Per contra, Mr. ShanmugaRajendran, learned Public Prosecutor would contend that the petitioners had been continuously ill-treating the defacto complainant by demanding dowry and on the date of occurrence, the petitioners threw hot water on the defacto-complainant and attacked her and the defacto-complainant had sustained injuries and got admitted in the hospital and according to him, the investigation is still pending and therefore, opposed the relief sought for by the petitioners.

5. Considering the relationship between the parties and the nature of the offences levelled against the petitioners, particularly, when the defacto-complainant herself has admitted that the relationship between her and the first petitioner had not been smooth right from the inception of their marriage and inasmuch as the defecto-complainant had been discharged from the hospital and presently living in her parents' house and as the petitioners are ready to cooperate with the investigation in all aspects, this Court is inclined to grant the relief sought for by the petitioners on conditions.

6. For the reasons aforesated, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within 15 days from the date of receipt of copy of this order on condition of they each executing a bond for Rs.10,000/- (Rupees Ten thousand) with one surety each for a like sum to the satisfaction of the Respondent police or the police officer who arrest them or the Judicial Magistrate, Ambattur. The petitioners are further directed to adhere to the conditions set out under Section 438 Cr.PC. Accordingly, the Criminal Original Petition is allowed.

-sd/-

04/05/2020

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
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-2 AMBATTUR ESTATE POLICE STATION,
AMBATTUR INDUSTRIAL ESTATE,
CHENNAI

CC to M/S.PRADEEP JAYARAMAN Advocate on payment of necessary charges

WEB COPY

CRL OP.7417/2020

Date :04/05/2020

RVR 18/02/2021