

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3542 of 2021

1 V.SIVASANKARAN [PETITIONERS / ACCUSED]
2 R.VASUDEVAN
3 V.SARASWATHY

Vs

1 STATE REP.BY [RESPONDENTS]
THE INSPECTOR OF POLICE,
W-29, ALL WOMEN POLICE STATION,
AVADI, CHENNAI.
CR.NO.3 OF 2021.

2 MRS.ANUPRIYA,
NO.38, GOMATHI NAGAR,
OPPOSITE TO TCL COMPANY,
POLIVAKKAM VILLAGE, THIRUVALLUR DISTRICT.
(R2 SUO MOTO IMPEADED AS PER IN CRL.OP.NO.3542/2021 DT 23.02.2021)

For Petitioner : M/S.M.L.RAMESH Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 498A of IPC in Crime No.3 of 2021, on the file of the 1st respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the 1st petitioner and the defacto complainant were husband and wife. Due to misunderstanding between them they live separately. According to the defacto complainant, the petitioners 1 to 3 harassed her by not giving proper food and was treated very badly for not bringing much dowry. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the 1st petitioner is the husband of the defacto complainant and Doctor by profession, 2nd and 3rd petitioners are in-laws of the defacto complainant. The learned counsel submitted that due to some misunderstanding between the petitioner and the defacto complainant, the defacto complainant left the matrimonial home and while she went, she took all her belongings also. Now, due to vengeance, she has filed this false complaint. He further submitted that the other articles, which the defacto complainant claimed were also handed over to her before the respondent Police. Hence, he sought for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the State submitted that this is purely a matrimonial dispute. The dowry articles and other belongings of the defacto complainant were surrendered by the petitioners and the same was handed over to the defacto complainant by the respondent Police.

6. Taking into consideration the facts and circumstances of the case and also the submission made by the learned Government Advocate (Crl.side) that the articles demanded by the defacto complainant were handed over to her, 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 before the learned Judicial Magistrate, Ambattur, Chennai, within a period of 15 days from the date of receipt of a copy of this order, on their executing a separate 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 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 shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/04/2021

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, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THRIUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-29, ALL WOMEN POLICE STATION,
AVADI, CHENNAI.

5 THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

+1 CC to M/S.M.L.RAMESH Advocate on payment of necessary charges SR.NO.5652

CRL OP.3542/2021

Date :30/04/2021

TA-04/05/2021