

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4411 of 2021

1. Ravikumar ... Petitioners
2. Balasundharam
3. Kanakalakshmi
4. Sasikala
5. Sathiya @ P.Viji

-Vs-

State Represented by ... Respondent
The Inspector of Police,
All Women Police Station,
Villupuram.
(Crime No.2 of 2021)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.2 of 2021 is pending on the file of the respondent police.

For Petitioners : Mr.V.Karthikeyan
For Mr.P.Vijayakumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498-A, 341 & 506(i) of IPC and Section 4 Dowry Prohibition Act 1961, in Crime No.2 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant got married the 1st petitioner in the year 2013. Thereafter, there were frequent quarrel between the petitioners and the defacto complainant. Hence, the 1st petitioner has filed a divorce petition in H.M.O.P.No.55 of 2018 on the file of the Principal Family Court, Villupuram and the defacto complainant has filed a domestic violence complaint No.17 of 2019 on the file of the learned Judicial Magistrate, Villupuram and the matter has been settled between them and both of them were living

together sometime, Once again the petitioners had harassed the defacto complainant. Hence, the complaint.

3. Mr.V.Karthikeyan for Mr.P.Vijayakumar, the learned counsel appearing for the petitioner would submit that the 1st petitioner is the husband, 2nd and 3rd petitioners are the father-in-law and mother-in-law , 4th and 5th petitioners are the sister-in-law of the defacto complainant. He would further submit that earlier the 1st petitioner filed a divorce petition, which ended in a compromise and both of them were living together. Now once again a false complaint has been filed implicating all family members including married sister of 1st petitioner. He would further submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners had harassed the defacto complainant and abused her in filthy language. He would further submit that there is no previous case pending as against the petitioners. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and after several matrimonial dispute both the defacto complainant and 1st petitioner were living together and once again another round of dispute, which resulted in this complaint and there is no allegation of demand of dowry, hence this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 cum Additional Mahila Court, Villupuram, on condition that the petitioners shall execute 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

15/03/2021

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 CUM ADDITIONAL MAHILA COURT,
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VILLUPURAM.

+1 CC to M/S.S.SIVASUBRAMANI Advocate on payment of necessary charges SR.NO.3506.

CRL OP.4411/2021

Date :15/03/2021

EP-22/03/2021