



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.16456 of 2021

IN

S.C.NO.187 OF 2018

(ON THE FILE OF THE HON'BLE MAHILA COURT AT CUDDALORE)

1 THAIYALNAYAGI
2 EZHILARASI

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
X-2, MANGALAMPETTAI POLICE STATION,
VIRUDHACHALAM TALUK,
CUDDALORE DISTRICT.
CRIME.NO.136/2017.

[RESPONDENT]

For Petitioner : M/S.S.A.RAJAN Advocate

For Respondent : MR. A.GOPINATH, 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 for the alleged offence under Sections 498(A), 304 B of IPC in Cr.No.136 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are in-laws of the deceased and it is alleged that the petitioners assaulted the victim which ultimately led her to commit suicide. Hence the law enforcing agency registered a case against the petitioners. The petitioners were granted anticipatory bail in Crl.O.P.No.7816 of 2017 dated 21.04.2017. Since the petitioner A2 did not appear before the trial court, NBW was issued as against the petitioners, even though they appeared before the trial court for every hearing. The petitioner filed recall warrant, but the said was dismissed. Hence this present petition has been filed.



3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioner A2 was admitted in hospital and was not hiding. Hence prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate submitted that the petitioners harassed the deceased continuously which lead her to commit suicide. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

5. Even according to the petitioners, they were granted anticipatory bail in CrI.O.P.No.7816/17 vide order dated 21.04.2017. However, during trial, A2 did not appear before the Court inspite of repeated adjournments, which necessitated the court below to issue NBW. Though it is the stand of the petitioners that they had appeared before the trial court on every hearing date, but inspite of the same NBW was issued against them, which prompted them to file this petition. However, it is to be pointed out that it is the case of the respondent that the petitioners are shielding A2, which has allowed him to abscond and not appear before the trial court to face the trial. The presence of A2 is necessary for the conduct of the trial and the allegation being that the petitioners are shielding A2 from appearing before the court, NBW was issued as against A2 as well as the present petitioners. The said order of the court below cannot be found fault with. Further, once anticipatory bail has been granted to the petitioners for the same offence, grant of second anticipatory bail for the very same offence does not arise and to wriggle out from the clutches of the NBW, seeking an anticipatory bail from this court is impermissible.

6. For the reason aforesaid, this court is of the considered view that this petition is devoid of merits and deserves to be dismissed and accordingly, the same is dismissed. However, liberty is granted to the petitioner to work out their remedy in accordance with law.

-sd/-
09/09/2021

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 INSPECTOR OF POLICE,
X-2, MANGALAMPETTAI POLICE STATION,
VIRUDHACHALAM TALUK,
CUDDALORE DISTRICT,

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.S.A.RAJAN Advocate on payment of necessary charges

CRL OP.16456/2021

Date :09/09/2021

INBA 30/09/2021.