

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 7122 of 2021

1. Abhishek Mehta

2. Abhinay Mehta

3. Dilip S Mehta

4. Kumar Shreyans

... Petitioners

-VS-

The State Represented by
The Inspector of Police,
W-6, All Women Police Station,
Kilpauk,
Chennai.
(Crime No. 3 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, 1973, praying to enlarge the Petitioners on bail in the event of their arrest by the First Respondent Police, as against the case pending investigation in Crime No. 3 of 2021, on the file of the Respondent Police.

For Petitioner : Mr. Rahul Jagannathan

For Respondent : Ms. P.Kritika Kamal,
Government Advocate (Criminal Side)

ORDER
(The case has been heard through video conference)

The Petitioners who apprehends arrest at the hands of the Respondent Police for the offences publishable under Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998, and Sections 506(ii) and 509 of the Indian Penal Code, 1860, in Crime No. 3 of 2021 on the file of the Respondent Police, seek anticipatory bail.

2. The case of the prosecution as per the De-facto Complainant, viz., Anitha Jain, is that on 10.12.2020, she had gone to the office of her late husband and at that time, the petitioners, who are the sons and relatives of her husband, had prevented her from entering into the office and abused her with filthy language, threatened and criminally intimidated her and harassed her. Based on the complaint, originally a CSR was registered and later the case in Crime No. 3 of 2021 has been registered by the Respondent Police for the offences publishable under Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1998, and Sections 506(ii) and 509 of the Indian Penal Code, 1860.

3. Learned Counsel for the Petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case based on a fabricated complaint given by the De-facto Complainant. He would further submit that the first and second petitioners are the sons and the third and fourth petitioners are the relatives of Late Lalith Mehta. He would further submit that the De-facto Complainant who is a stranger, claiming herself to be the second wife of the deceased father of the first and second petitioners, had given the false complaint against them and based on police action, she is pressurizing the petitioners to accept an illegal settlement. He would further submit that the fact remains that even as per the complaint, the De-facto Complainant has only come to the office of the petitioners. She having come to the office, created a ruckus and she has falsely given a complaint as if the petitioners have abused her. He would further submit that based on the complaint, initially a CSR was registered and the petitioners earlier approached this Court in Crl. O.P. No. 19989 of 2020 and this Court by order dated 22.12.2020 directed the petitioners to appear for enquiry before the Respondent Police. He would further submit that the petitioners have appeared before the Respondent Police on several occasions and that they were made to wait for long hours and that the Respondent Police also insisted the petitioners to go for settlement. Since the claim of the De-facto Complainant was without any basis, the petitioners did not agree for settlement and for reasons

unknown, the F.I.R. has been registered against them. He would further submit that a case of property dispute has been projected as a case of women harassment and the De-facto Complainant is illegally attempting to pressurize the petitioners to go for settlement with her by police action under threat of arrest. He would further submit that it is only a case of alleged verbal abuse and the De-facto Complainant has not alleged of any physical abuse. Hence, he prays for grant of anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the Respondent would vehemently oppose stating that the petitioners are the sons and relatives of Late Lalith Mehta. She would further submit that the De-facto Complainant is the second wife of the said Lalith Mehta and that after the death of the said Lalith Mehta, when the De-facto Complainant had gone to his office, the petitioners have prevented her from entering into the office and abused and harassed her. She would further submit that based on the complaint given by the De-facto Complainant, the petitioners were called for enquiry and that they were issued notice under Section 41(A) of the Code of Criminal Procedure, 1973. However, they have failed to appear and absconded.

5. At this juncture, Learned Counsel for the Petitioners would submit that pursuant to the order passed in Crl. O.P. No. 19989 of 2020, the petitioners have appeared before the Respondent on several occasions.

6. Heard the Learned Counsels.

7. The petitioners are the sons and relatives of Late Lalith Mehta. As per the complaint, the De-facto Complainant, who claims to be the second wife of the said Lalith Mehta, had alleged that the petitioners have abused and harassed her and prevented her from entering into her husband's office. This Court is of the opinion that custodial interrogation of the petitioners is not required in this case and the petitioners may be granted anticipatory bail on condition.

8. Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

(a) the petitioner are directed to be released on bail in the event of their arrest or on their appearance before the Learned Metropolitan Magistrate Additional Mahila Court, Egmore, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Ten Thousand only) with two sureties each for the

like sum to the satisfaction of the Police Officer who intends to arrest, within four (4) weeks from the date on which the copy of the order is made ready failing which the petition for anticipatory bail shall stand dismissed automatically;

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Respondent/Police may obtain a copy of their Aadhaar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the Respondent Police everyday at 10.30 a.m. for one week and thereafter, every Saturday at 10.30 a.m. for one month and thereafter, as and when required.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(e) the petitioners shall not abscond either during investigation or trial.

(f) 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 of India in *P.K. Shaji vs. State of Kerala* [(2005)AIR SCW 5560].

(g) If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A of the India Penal Code, 1860.

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

19.04.2021

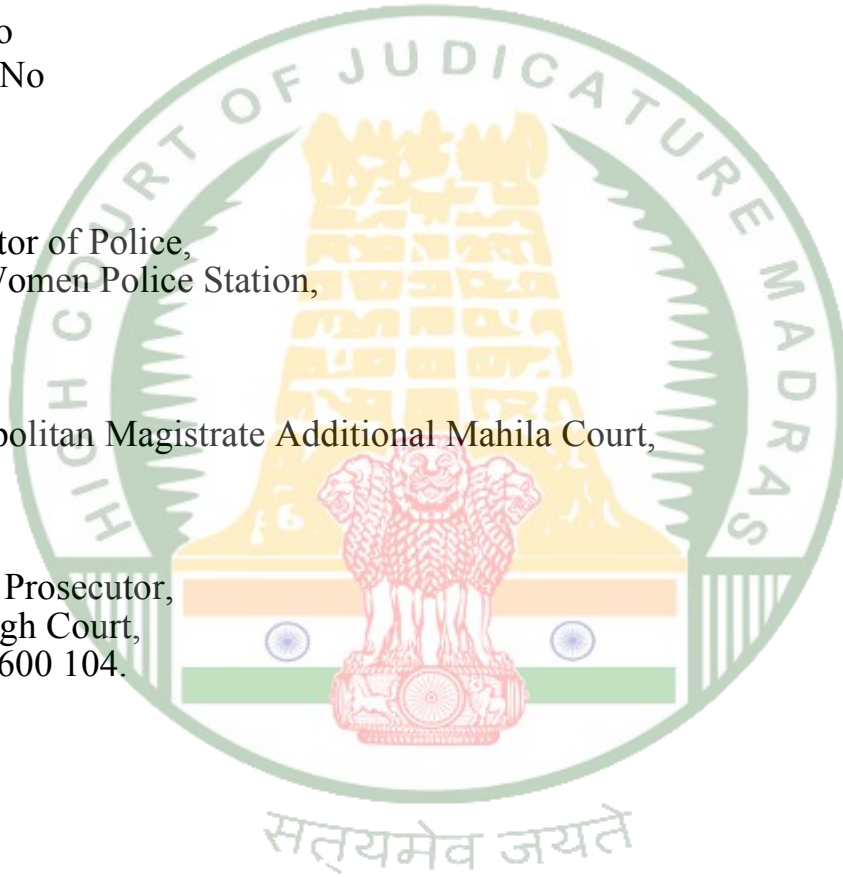
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Index: Yes/No

Internet: Yes/No

To

1. The Inspector of Police,
W-6, All Women Police Station,
Kilpauk,
Chennai.
2. The Metropolitan Magistrate Additional Mahila Court,
Egmore,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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A.D. JAGADISH CHANDIRA, J.

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