

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.6642 of 2021

Mrs.Rehana Begum

.. Petitioner

Vs.

1. The Inspector of Police,
AWPS,
Tambaram,
Chennai.

2. Shafeeq Ahmed

.. Respondents

PRAYER: Criminal Original Petition filed under Section 439(2) of the Code of Criminal Procedure, to pass an order to cancel the anticipatory bail granted to the second respondent herein in Crl.O.P.No.15738 of 2020 on 06.10.2020.

For Petitioner : Mr.M.Mohamed Rafi

For Respondent No.1 : Mr.C.E.Pratap

Government Advocate (Crl.Side)

For Respondent No.2 : Mr.M.Balasubramanian

ORDER

This petition has been filed to pass an order to cancel the anticipatory bail granted to the second respondent herein in Crl.O.P.No.15738 of 2020 on 06.10.2020.

2. The case of the petitioner is that the petitioner is the third wife of the 2nd respondent. The petitioner is an Australian Citizen of Indian origin and was a resident of Sydney, Australia. After termination of her first marriage, she registered her profile for a suitable groom through Shaadi.com matrimonial website and thereby the 2nd respondent got acquainted with the petitioner herein and evinced his interest for marriage. However the petitioner rejected the interest of the accused and thereafter, she got married to one Sameer. The second marriage of the petitioner also got dissolved within two months of marriage. Thereafter the 2nd respondent contacted the petitioner and once again shown his interest for marrying the petitioner. Believing the words of the 2nd respondent, she married him. After some time of marriage life, the petitioner was assaulted physically and mentally by the 2nd respondent. Unable to tolerate the same, she preferred a complaint before the 1st respondent Police and the same was registered in Cr.No.5 of

2020 for the offences under Sections 498(A), 323 and 312 IPC r/w Section 4 of the Tamil Nadu Prohibition of Women Harassment Act. While being so, the petitioner, apprehending arrest at the hands of the respondent Police, preferred an Anticipatory Bail petition in Crl.O.P.No.15738 of 2020 and this Court, vide order dated 06.10.2020, had granted anticipatory bail, on the ground that the dispute between the petitioner and the 2nd respondent has been compromised and the 2nd respondent has taken care of the petitioner herein. Challenging the said order, the present petition for cancellation of anticipatory bail is filed.

3. The learned counsel appearing for the petitioner submitted that after getting order from this Court, the 2nd respondent contacted the petitioner through whatsapp and harassed the petitioner by sending abusive messages and obscene photographs of her and threatened to publish the said photographs in the Website and thereby misused the liberty granted to him by this Court while granting anticipatory bail. Further the learned counsel submitted that at the time of granting anticipatory bail, the 2nd respondent was not in India, however, he falsely represented as if he was in Chennai

and taking care of the petitioner and hence prays for cancellation of the anticipatory bail.

4. The learned counsel appearing for the 2nd respondent wants some more time for getting necessary instructions.

5. Considering the pendency of this case, this Court is inclined to dispose of the matter based on the available records.

6. Admittedly, the 2nd respondent was implicated for the offence under Section 498(A), 323 and 312 IPC r/w Section 4 of the Tamil Nadu Prohibition of Women Harassment Act in Cr.No.5 of 202 on the file of the 1st respondent. It is also not in dispute that the petitioner was granted anticipatory bail by this Court in Crl.O.P.No.15738 of 2020. However, subsequently the petitioner herein has lodged a complaint before the Central Crime Branch, Cyber Crime Wing by narrating the facts that she was harassed by the 2nd respondent through whatsapp messages. The said complaint was registered in Cr.No.11 of 2021 under Sections 66E, 67, 67A

of IT Act and 354A, 354C and 509 IPC and Section 6 of Indecent Representation of Woman Act.

7. A perusal of the FIR in the said Crime Number reveals that the 2nd respondent has sent abusive messages to the petitioner and all the whatsapp communications were placed before the law enforcing agency at the time of filing of an FIR. Hence this Court has no hesitation to come to the conclusion that the 2nd respondent has violated the conditions imposed by this Court, while granting anticipatory bail by this Court and thereby this Court is inclined to cancel the anticipatory bail granted to the 2nd respondent.

8. Accordingly this Criminal Original Petition is allowed and the anticipatory bail granted to the 2nd respondent in Crl.O.P.No.15738 of 2020, vide order dated 06.10.2020, is hereby canceled.

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05.08.2021

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M.DHANDAPANI,J.

Sk

To

1. The Inspector of Police,
AWPS,
Tambaram,
Chennai.

2. The Public Prosecutor,
High Court, Madras.



Crl.O.P.No.6642 of 2021

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