



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12560 of 2021

Varadha Rao

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
W-32 All Women Police Station,
Madipakkam, Chennai-600 117.
(Cr.No.02 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of his arrest by the respondent police as against the case pending investigation in Crime No.02 of 2021 on the file of the respondent police.

For Petitioner : Mr.Rahul Jagannathan

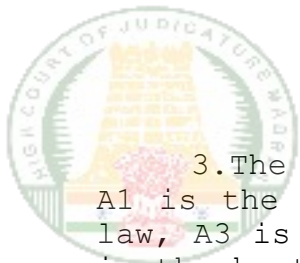
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

For Intervenor : Mrs.Geetha

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 498-A, 294, 506 of IPC, 1806 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.02 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage of the petitioner/A1 and the defacto complainant was performed on 05.07.2012 under the Hindu Rites and Customs and subsequently registered before the Sub-Registrar Office, Periamet, Egmore, Chennai. The marriage was an arranged one by the elders of both the families. Out of Wedlock, a female child was born in the year 2013. After 7 years, there was a matrimonial dispute between them, for which, the defacto complainant lodged a complaint before the law enforcing agency under the Woman Harassment Act. Hence, the petitioner preferred the present anticipatory bail application before this court.



3. The learned counsel appearing for the petitioner submits that A1 is the husband of the defacto complainant, A2 is the father-in-law, A3 is the sister-in-law, A4 is the husband of Sister-in-law, A5 is the brother-in-law and A6 is the relative of A1. Thereby, all the family members/relatives of A1 are roped into this Criminal case. He further submits that during pending enquiry, all the jewels were returned to the defacto complainant. Even thereafter, the defacto complainant continuously harassed the petitioner and the age old father and in-laws. Hence, the petitioner has filed a Divorce Petition before the Family Court in HMOP.No.893 of 2021 and the same has been posted for Mediation on 26.07.2021. In the meanwhile, woman Harassment case has been filed against the petitioner. For continuation of harassment, as against the law enforcing agency, the petitioner has already filed a not to harass petition before this Court under 482 of Cr.P.C. Pending adjudication, the criminal case has been registered against the petitioner. Hence, he prayed for anticipatory bail.

4. Mrs.Geetha, learned counsel for the defacto complainant/intervenor vehemently opposed for granting bail to the petitioner. A1 and his father continuously harassed the defacto complainant. Hence, she lodged the complaint before the respondent police.

5. The learned Government Advocate (Crl.Side) submits that the investigation is pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate , Alandur** on condition that the petitioner shall execute a 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioner 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 petitioner 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
22/07/2021

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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-32, ALL WOMEN POLICE STATION,
MADIPAKKAM,
CHENNAI-600 117.

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

+1 CC to M/S. RAHUL JAGANNATHAN Advocate on payment of
necessary charges SR.NO.7643

CRL OP.12560/2021

Date :22/07/2021

TA-30/07/2021

<https://hcservices.ecourts.gov.in/hcservices/>