



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.12638 of 2021

1. S.Sivaraman
S/o.Late Sarangapani
2. Shanthi,
W/o.Late Sarangapani

... Petitioners

Vs.

The State by Inspector of Police,
All Women Police Station,
Thiruvallur, Thiruvallur District.
(Crime No.13 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of arrest in Crime No.13 of 2021 on the file of the Inspector of Police, All Women Police Station, Thiruvallur.

For Petitioners : Mr.S.Senthil Nathan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498-A and 307 of IPC in Crime No.13 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that first and second petitioners are the husband and mother-in-law of the defacto complainant. There was a wordy quarrel and matrimonial dispute between the first petitioner and the defacto complainant, due to which, they harassed the defacto complainant and she has been subjected to cruelty and they had attempted to kill her by using pillow. Further, it is alleged that the first petitioner forced her to handover the Thali as he was going to get another marriage. Hence, the present complaint was lodged by the defacto complainant .



3. The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the first petitioner and the defacto complainant are husband and wife and both worked in a private company. There was a wordy quarrel and matrimonial dispute between them, for which, the first petitioner has filed a Divorce Petition in HMOP.No.381 of 2021 before the Sub-Court, Poonamallee. After three months, the defacto complainant has lodged a complaint against these petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that due to matrimonial dispute between the first petitioner and the defacto complainant, the present complaint was filed and a divorce case was pending before the competent court. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and with regard to first petitioner/husband, there was some allegations made against him, this court is not inclined to grant anticipatory bail to the first petitioner/husband. With regard to the second petitioner, being in-law to the defacto-complainant, there was no serious allegations levelled against her and hence, this Court is inclined to grant anticipatory bail to the second petitioner.

6. Accordingly, the Second petitioner ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Thiruvallur on condition that the second 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 second 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 second 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 second petitioner shall not tamper with evidence or witness either during investigation or trial;



(d) the second 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 second 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.

7. This Criminal Original petition is dismissed as against the first petitioner/husband.

-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,
NO.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVALLUR, THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.SENTHILNATHAN Advocate on payment of necessary charges S.R. NO. 7620

CRL OP.12638/2021

Date :22/07/2021

JPA 05/08/2021