



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

Tuesday, the Thirty First day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.14150,14155 & 14156 of 2021

LITVINA CEDRIC

[ PETITIONER / ACCUSED  
IN CRL.O.P.No.14150/2021]

SAMUEL JOSHUA

[IN CRL.O.P.No.14155/2021]

CEDRIC BENO

[IN CRL.O.P.No.14156/2021]

Vs

The State Rep.by.  
THE INSPECTOR OF POLICE,  
W-15, ALL WOMEN POLICE STATION,  
ROYAPURAM, CHENNAI 600013.  
CRIME.NO.2/2021.

[ RESPONDENT ]  
[IN ALL THE PETITIONS]

For Petitioner : M/S.NATHAN AND ASSOCIATES Advocate  
[IN ALL THE PETITIONS]

For Respondent : MR. C.E.PRATAP, Govt. Advocate ( Crl. Side)  
[IN ALL THE PETITIONS]

For Intervenor : MR. A.V.ARUN, Advocate  
[IN ALL THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner in the above petitions are the Husband, Father in law and Mother in law of the defacto complainant and they apprehend arrest at the hands of the respondent police for the alleged offence under Section 498(A) in Crime No.2 of 2021 for which they seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are family members. The first petitioner/A2 and defacto complainant are husband and wife and due to the matrimonial dispute , the first petitioner/A2 has applied for divorce. With regard to this issue, the defacto complainant registered the case against the



petitioners for the recovery of the Stridhana articles. Hence, the case was filed against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and there was a family dispute between the defacto complainant and the petitioners. The marriage between them was solemnized in front of relatives and parents of the defacto complainant. After marriage, there was no compatibility between the first petitioner/A2 and the defacto complainant and she also insisted on living separately from first petitioner's parents/petitioners A1 and A3. Thereby, the defacto complainant has lodged a false complaint against the petitioners. Hence, the learned counsel prays to grant anticipatory bail to the petitioners

4. The learned Government Advocate submitted that the petitioners have not returned the complete Stridhana articles. Hence he opposed to grant the anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and there being no serious allegation made against the petitioners and also considering the submission made by the learned Government Advocate, I am inclined to grant bail to the petitioners on condition that the petitioners should return the Stridhana articles of 25 Sovereigns and the Car with requisite application for transfer of the car to the name of the defacto complainant within 2 weeks from the date of receipt of a copy of this order. Subject to the same being given to the defacto complainant, order due acknowledgement, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) The petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the III-Metropolitan Magistrate Court, George Town, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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:

(b) the petitioners should return the Stridhana articles of 25 Sovereigns and the Car with requisite application for transfer of the car to the name of the defacto complainant within 2 weeks from the date of receipt of a copy of this order.

(c) the petitioners 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 Aadhaar card or Bank pass Book to ensure their identity;



(d) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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 in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

-sd/-  
31/08/2021

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 III METROPOLITAN MAGISTRATE COURT,  
GEORGE TOWN, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,  
EGMORE, CHENNAI (FOR INFORMATION).



3 THE INSPECTOR OF POLICE,  
W-15, ALL WOMEN POLICE STATION,  
ROYAPURAM, CHENNAI 600013.

4 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

+3 CC to M/S.A.V.ARUN, Advocate on payment of necessary charges  
SR.NOs.9364,9365,9363.

CRL Ops.14150,14155 & 14156/2021

Date :31/08/2021

INBA 21/09/2021