



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14932 of 2021

1 N.RAJAKUMAR
2 M.V.NATARAJAN
3 M.SAMPOORANAM
4 N.THENMOZHI
5 N.POONGOTHAI

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
W9 ALL WOMEN POLICE STATION,
VILLIVAKKAM,
CHENNAI - 600 049.
(CRIME NO.6/2021)

[RESPONDENT]

For Petitioner : M/S.V.RAJESH, Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervenor : MR.GUNARAJ, Advocate

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 294(b) and 506(1) of I.P.C. in Cr.No.6 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have tortured the defacto complainant and her children. The first petitioner is the husband of the defacto complainant and the other petitioners are the in - laws of the defacto complainant.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the marriage of the defacto complainant and the first petitioner was solemnized as early as on



13.11.1991 and during the year 2012, the defacto complainant lodged complaint as against the first petitioner alleging dowry harassment and the same was registered as Cr.No.5 of 2012 and after investigation, charge sheet was filed and the same was taken on file by the learned Judicial Magistrate X, Egmore, Chennai in C.C.No.3521 of 2012 and after adjudication, the first petitioner was acquitted from all the charges. Thereafter, the defacto complainant lodged complaint which was assigned C.S.R.No.61 of 2021 and was forwarded to the District Social Welfare Officer, Domestic Violence Act, Singaravelar Maligai, Chennai and the same is pending.

4.The learned counsel appearing for the petitioners further submitted that the first petitioner has filed a petition seeking divorce on the ground of cruelty in O.P.No.1927 of 2021 on the file of the V Additional Family Court, Chennai and as the counter blast to the same, the defacto complainant has lodged the present complaint. He further submitted that the defacto complainant has filed petition seeking maintenance in M.C.No.223 of 2021 before the V Additional Family Court, Chennai.

5.The learned counsel appearing for the intervenor submitted that the defacto complainant's daughter is now pursuing her M.B.B.S. Course and the petitioners are preventing her from attending College and further submitted that the petitioners are also torturing the defacto complainant and her son. He further submitted that the first petitioner is having illegal intimacy with one Lalitha and vehemently opposed for grant of anticipatory bail to the petitioners.

6.This Court also heard the submissions made by the learned Government Advocate (Crl. Side).

7.The first petitioner has filed a petition seeking divorce on the ground of cruelty in O.P.No.1927 of 2021 on the file of the V Additional Family Court, Chennai and the defacto complainant has filed petition seeking maintenance in M.C.No.223 of 2021 before the V Additional Family Court, Chennai and the same are pending. In view of the pending litigations, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, 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 learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai, on condition that the petitioners shall execute a 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:



(a) 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

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

(d) the petitioners 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 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;

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

-sd/-

23/08/2021

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 METROPOLITAN MAGISTRATE,
ADDITIONAL MAHILA COURT,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
W9-ALL WOMEN POLICE STATION,
VILLIVAKKAM,
CHENNAI - 600 049.

WEB COPY

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. V.RAJESH Advocate on payment of necessary charges
SR.NO.8910

CRL OP.14932/2021

Date :23/08/2021

CSK 27/08/2021