



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15188 of 2021

1 R.DHILIPAN RAJ
2 R.KANCHANA
3 G.RAJENDRAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVANNAMALAI DISTRICT.
(CRIME NO.10/2021)

[RESPONDENT]

For Petitioner : M/S J.PRAKASAM Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)
[IN CRL.O.P.No.15188 of 2021]

: M/S.S.SUGENDRAN, Government Advocate (Crl.Side)
[Crl.MP.No.11854 of 2021]

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 offences under Section 498(A), 294(b), 312, 406, 355, 509, 506(i) IPC 1860 and Section 4 of Dowry Prohibition Act

2. The case of the prosecution is that the marriage between the de-facto complainant and the 1st petitioner was solemnized on 27.04.2020 and they have no issues. The allegation is that the petitioners subjected the de-facto complainant to cruelty and harassed her for unlawful demands. Hence, the case came to be registered.



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3.The learned counsel appearing for the petitioners would submit that they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the 1st petitioner continuously harassed the de-facto complainant demanding more dowry and while the de-facto complainant got pregnant, the 1st petitioner made cruelty on her and aborted the foetus. Thereafter, the de-facto complainant left the matrimonial house and filed a petition in DV No.4 of 2021 under Domestic Violence Act and also filed a petition for restitution of conjugal rights in FCOP No.484 of 2020 before the Family Court, Thiruvannamalai. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the above facts and circumstances of the case and the allegation made against the main accused (A1)/1st petitioner, this Court is not inclined to grant anticipatory bail to the 1st petitioner. Accordingly, this Criminal Original Petition stands dismissed as against the 1st petitioner.

6. However, considering the fact that there is no serious allegation made against the 2nd and 3rd petitioners, this Court is inclined to grant anticipatory bail to the 2nd and 3rd petitioners with certain conditions.

7.Accordingly, the 2nd and 3rd 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 Judicial Magistrate, Additional Mahila Court, Tiruvannamalai, on condition that the 2nd and 3rd petitioners shall execute a separate 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 2nd and 3rd 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 2nd and 3rd petitioners shall report before the respondent police daily as and when required for interrogation.

(c) the 2nd and 3rd petitioners shall not tamper with evidence or witness either during investigation or trial;



(d) the 2nd and 3rd 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 2nd and 3rd petitioners in accordance with law as if the conditions have been imposed and the 2nd and 3rd 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/-
25/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

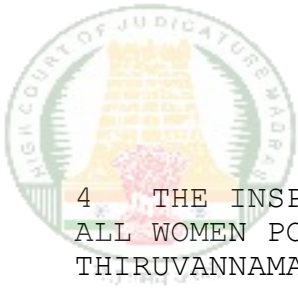
[*]Amended and All other conditions remain unaltered, as per order of this court dated 19/11/2021 made in CrI.MP.NO.11854/2021 in CrI.O.P.No. 15188/2021

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVANNAMALAI DISTRICT .

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+1 CC to M/S J.PRAKASAM
charges SR.NO.13375

Advocate on payment of necessary

CRL OP.15188/2021

Date :25/08/2021

RW 31/08/2021

RW 03/12/2021