



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the First day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15673 of 2021

1 M.ESWARAN  
2 R.MAGESHWARAN  
3 M.RAJESHWARI

[ PETITIONERS / ACCUSED ]

Vs

STATE REP.BY ITS  
THE INSPECTOR OF POLICE,  
W-33 ALL WOMAN MADHAVARAM POLICE STATION,  
MADHAVARAM, CHENNAI.  
(CRIME NO. 13 OF 2021)

[ RESPONDENT ]

For Petitioner : M/S. C.BALAJI Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offence punishable under Section 294(b), 498-A, 506(ii) of IPC 1860 and Section 4 of Dowry Prohibition Act,1961 in Crime No.13 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner has given a sexual tortures and the second and third petitioners have demanded dowry from the defacto complainant. It is further alleged that the first petitioner has suppressed the working place and nature of the job and his age. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits the petitioners are no way connected with the offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that there was a matrimonial dispute between the petitioner and the defacto



complainant, the present complaint has been filed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel, there is a serious allegations made against the first petitioner/A1, this court is not inclined to grant anticipatory bail to the 1st petitioner/A1. With regard to second and third petitioners/A2 and A3, being the in-laws of the defacto complainant and there is no serious allegations made against them, this court is inclined to grant anticipatory bail to second and third petitioners/A2 and A3.

6. Accordingly, the second and third petitioners/A2 and A3 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 District Munsif-Cum-Judicial Magistrate, Madhavaram, Chennai on condition that each of the petitioners shall execute bonds 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 and third petitioners/A2 and A3 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 and third petitioners/A2 and A3 shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required.

(c) the second and third petitioners/A2 and A3 shall not tamper with evidence or witness either during investigation or trial;

(d) the second and third petitioners/A2 and A3 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 second and third petitioners/A2 and A3 in accordance with law as if the conditions have been imposed and the second and third petitioners/A2 and A3 are 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. With the above directions, this Criminal Original Petition in respect of the first petitioner stands dismissed. The Criminal Original Petition in respect of the second and third petitioners stands ordered.

-sd/-

01/09/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
MADHAVARAM

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
W-33 ALL WOMAN MADHAVARAM POLICE STATION,  
MADHAVARAM, CHENNAI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+2CC to M/S. C.BALAJI Advocate on payment of necessary charges  
SR.No.9366

CRL OP.15673/2021

Date :01/09/2021

APN 22/09/2021

APN 01/10/2021