



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17853 of 2021

1 VENKATESHWARAN
2 PACHAMUTHU
3 MUNIYAMMAL

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HARUR, DHARMAPURI DISTRICT.
CRIME NO.11 OF 2021,

[RESPONDENT]

For Petitioners : M/S.R.PRABAKAR Advocate

For Respondent : MR.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 apprehend arrest for the alleged offence under Sections 498A, 506(i) of IPC in Cr.No.11 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner A1 and defacto complainant are husband and wife. The petitioners A2 and A3 are in-laws of the defacto complainant. The marriage was solemnized in the year 2018 and out of their wedlock, they were blessed with a female child. The petitioner A1 has not taken care of the de-facto complainant as well as her child, despite several advice through the well-wishers and villagers. After the delivery of the child, when the defacto complainant returned to the matrimonial house after 9 months, she was not allowed to enter into the house and was kept in cattle



shed and she was harassed by the petitioners. Hence the defacto complainant lodged a complaint against the petitioners, based on which the respondent police registered a case against the petitioners.

WEB COPY

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and the defacto complainant wanted to live separately from their in-laws which was not agreed by the petitioner A1. He further submitted that the defacto complainant along with some Hooligans attacked the petitioners, due to which the petitioners were subjected to physical as well as mental cruelty. Hence the petitioner A1 filed a H.M.O.P.NO.108/2021 before the Subordinate Court due to which the defacto complainant lodged a false and frivolous complaint against the petitioners. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent submitted that due to matrimonial dispute, the petitioners harassed the defacto complainant continuously and she has undergone serious mental stress. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners A2 and A3 whereas the anticipatory bail to the petitioner A1 is dismissed.

6. Accordingly, the 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 Judicial Magistrate Court, Pappireddipatti, on condition that the petitioners A2 and A3 shall execute the 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 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 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 for interrogation;

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



(d) the 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 petitioners A2 and A3 in accordance with law as if the conditions have been imposed and the petitioners A2 and A3 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 present Criminal Original Petition seeking anticipatory bail in so far as petitioner A1 alone stands dismissed.

-sd/-
27/09/2021

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 JUDICIAL MAGISTRATE COURT,
PAPPIREDDIPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HARUR, DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.PRABAKAR Advocate on payment of necessary charges SR.NO.10640

CRL OP.17853/2021

Date :27/09/2021

JPA 05/10/2021