



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18972 of 2021

1. V.SATHISH BABU [PETITIONERS/ACCUSED]
2. V.KOUSALYA
3. S.JAYABARATHI
4. V.SASIDHARAN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KILPAUK, CHENNAI.
CRIME NO.15/2021.

For Petitioner : M/S.A.SARAVANAN, 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 Sections 498A, 294(b) and 506(i) of IPC 1860 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 petitioners demanded dowry and ill treated the defacto complainant. It is further alleged that the first petitioner is a divorcee who got child aged about 13 years through first marriage and he is aged 38, but the respondent has suppressed all the above facts. 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 first 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 this Court is not inclined to grant anticipatory bail to the 1st petitioner. With regard to 2nd , 3rd and 4th petitioners, 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 2nd , 3rd and 4th petitioners.

6. Accordingly, the 2nd , 3rd and 4th 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-08** 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 2nd , 3rd and 4th 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 4th petitioner 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 and 2nd and 3rd petitioners shall appear before the respondent police as and when required for interrogation;

(c) the 2nd , 3rd and 4th petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd , 3rd and 4th 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 , 3rd and 4th petitioners in accordance with law as if the conditions have been imposed and the 2nd , 3rd and 4th petitioners 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 the 2nd , 3rd and 4th petitioners stands ordered.

WEB COPY

-sd/-
07/10/2021

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-08.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KILPAUK, CHENNAI.

+1 CC to M/S.A.SARAVANAN, Advocate on payment of necessary charges SR.NO.11131

CRL OP.18972/2021

Date :07/10/2021

TA-20/10/2021