



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Fifth day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19446 of 2021

1 YUSUF
2 SUMATHI @ SUMAIYA
3 SAMSUDEEN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI,
THIRUVALLUR DISTRICT
(CRIME NO.32/2021)

[RESPONDENT]

For Petitioner : M/S R.SASIKUMAR 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 323, 494 & 498(A) of IPC r/w Section 4 of Women Harassment Act in Cr.No.32 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the de-facto complainant are husband and wife. The marriage was solemnized in the year 2019. The first petitioner and the third petitioner along with other accused person abused the de-facto complainant in filthy language and demanded dowry and chased her away from the matrimonial house. In these circumstances, the first petitioner is alleged to have married the second petitioner while the first marriage is in subsistence. Hence, based on the complaint lodged by the de-facto complainant, the respondent police registered a case against the petitioners and other accused persons.

3.The learned counsel appearing for the petitioners submitted that the de-facto complainant has some mental problems and she has



assaulted her mother in law. He further submitted that the de-facto complainant on her own volition left the matrimonial house and thereafter, through Jamath elders, the first petitioner divorced the de-facto complainant through Talak and the same was accepted by the de-facto complainant and her family members. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the first and third petitioners along with other accused persons harassed the de-facto complainant continuously and demanded dowry. He further submitted that the first petitioner has married the second petitioner while the first marriage is in subsistence. Hence he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that there is no serious allegation made against the second and third petitioner, this Court is inclined to grant anticipatory bail to the second and third petitioner. However, since there are serious allegations made against the first petitioner, this court is not inclined to grant anticipatory bail to the first petitioner.

6. Accordingly, the second and third 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 No.I, Ponneri, on condition that the second and third petitioners 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:

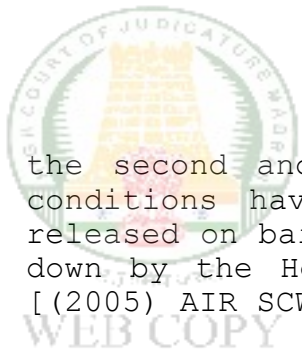
(a) the second and third petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the second and third petitioners 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 second and third petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the second and third 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 second and third petitioners in accordance with law as if the conditions have been imposed and the second and third 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/-
25/10/2021

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 JUDICIAL MAGISTRATE NO.I,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI, THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S R.SASIKUMAR Advocate on payment of necessary charges SR.NO.11732

CRL OP.19446/2021

Date :25/10/2021

INBA-10/11/2021