



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

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

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19437 of 2021

1 R.G.SELVAKUMAR [PETITIONER / ACCUSED NO.1 TO 3]
2 R.A.GOPI
3 G.LAKSHMI

Vs

THE STATE REPBY [RESPONDENT / COMPLAINANT]
THE INSPECTOR OF POLICE,
W4, KILPAUK ALL WOMEN POLICE STATION,
KILPAUK, CHENNAI
Cr.No.16 of 2021

For Petitioner : M/S.P.HARISH Advocate

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

For Intervenor : MR.D.RAMESH KUMAR Advocate

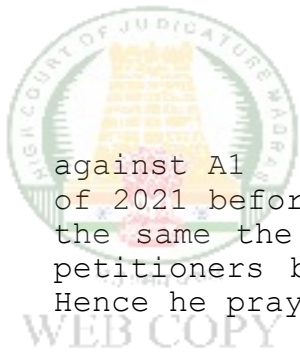
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498(A), & 506 (i) of I.P.C in Cr.No.16 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the Defacto Complainant and A1 was solemnized on 10.03.2016. At the time of marriage and even after the marriage, A1 along with the other petitioners/A2 & A3 who are the in-laws of the De-facto Complainant demanded dowry from the De-facto Complainant and harassed her physically. Hence the De-facto Complainant lodged a case against the petitioners before the law enforcing agency.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the De-facto Complainant had committed cruelty



against A1 and therefore, A1 filed a divorce petition in O.P.No.3359 of 2021 before the Additional Family Court-III, Chennai. Aggrieved by the same the De-facto Complainant had lodged a complaint against the petitioners before the law enforcing agency in Crime No.16 of 2021. Hence he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case. He further submitted that A1 and his father who is arrayed as A2 have physically harassed the De-facto Complainant. However he fairly conceded that there are no serious allegations levelled by the De-facto Complainant against A3.

5. Considering the fact that there are allegations by the De-facto complainant that she was physically harassed by A1 & A2, this court is not inclined to grant anticipatory bail to the petitioners/A1 & A2. Insofar as A3 is concerned, since there is no serious allegation levelled against A3, this Court is inclined to grant anticipatory bail to the petitioner/A3.

6.Accordingly, the petitioner/A3 is granted anticipatory bail and she is 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 Metropolitan Magistrate, Additional Mahila Court, Egmore, on condition that the petitioner shall execute a 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)if the petitioner/A3 failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

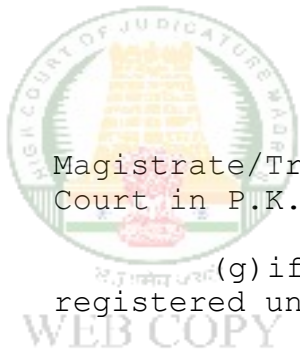
(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner/A3 shall report before the respondent police as and when required until further orders;

(d) the petitioner/A3 shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner/A3 shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the 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;

(g) 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 METROPOLITAN MAGISTRATE
ADDITIONAL MAHILA COURT,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
W4, KILPAUK ALL WOMEN POLICE STATION,
KILPAUK, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.HARISH Advocate on payment of necessary charges
SR.No.11936

CRL OP.19437/2021

Date :25/10/2021

APN 28/10/2021