



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19852 of 2021

1 SUSILA @ RAMAVATH SUSHEELA [PETITIONERS / ACCUSED]
2 HARIDASS @ RAMAVATH HARIDAS
3 VAISHNAV JITENDRA KUMAR
4 SANTHOSH DEVI @ VAISHNAV SANTOSI DEVI
5 SURENTHAR @ RAMAVATH SURENDER
6 MAGESH @ RAMAVATH MAHESH

Vs

STATE REPBY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTTUKOTTAI
Cr.No.13 of 2021

For Petitioner : M/S.P.RAMESH KUMAR 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 apprehend arrest for the alleged offence under Sections 498(A), 494, 323, 109, 506(1) of IPC and Section 4 of Prohibition of Harassment of Women Act 2002 in Cr.No.13 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 and the de-facto complainant are husband and wife. The petitioners herein are in-laws of the de-facto complainant. The marriage of A1 and the de-facto complainant was solemnized in the year 2016 and out of their wedlock, they were blessed with a female child. Thereafter, the accused/A1 along with the petitioners continuously harassed the de-facto complainant by demanding dowry and chased her away from the matrimonial house. Thereafter, the accused/A1 married another girl, when the first marriage was subsisting. Even then, the accused/A1 continuously came to the de-facto complainant's house and attacked and



threatened her with dire consequences. Hence, based on the complaint lodged by the de-facto complainant, the respondent police registered a case against A1 and the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and there was a family dispute between the de-facto complainant and the petitioners, due to which, the de-facto complainant left the matrimonial house on her own volition. Thereafter, she has lodged a false complaint against the accused/A1 and the petitioners. 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 accused/A1 and the petitioners harassed the de-facto complainant continuously and demanded dowry from her. He further submitted that the petitioners arranged another marriage for A1 when the first marriage was subsisting. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and since the petitioners are only in-laws of the de-facto complainant and there are no serious allegations made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the 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, Uttukotai, on condition that the petitioners shall execute the bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two common 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 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 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 shall not tamper with evidence or witness either during investigation or trial;

(d) the 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 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

26/10/2021

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,
UTTUKOTTAI, TIRUVALLUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTTUKOTTAI, TIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.RAMESH KUMAR Advocate on payment of necessary charges SR.No.11847

CRL OP.19852/2021

Date :26/10/2021

APN 01/11/2021