



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.19865 of 2021

1 P.SARATHKUMAR [PETITIONERS / ACCUSED]
2 A.PAZANIVEL
3 P.PADMAVATHI
4 P.VIJAYAKUMAR
5 P.VIJAYALALITHA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PANRUTI, CUDDALORE DISTRICT.
(CRIME NO.31/2021)

For Petitioner : M/S.M.VAIKUNTH Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)
(DATED 26/10/2021)

: M/S.S.SUGENDRAN, Govt. Advocate (Crl.Side)
(DATED 16/11/2021)

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 offences punishable under Sections 498 - A, 294(b), 323 of IPC and section 4 of Dowry Prohibition Act, 1961 in Crime No.31 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the marriage of the first petitioner and the defacto complainant was performed in the year 2020. It is alleged that the petitioner sexually harassed the defacto complainant. It is further alleged that the petitioner's family abused the defacto complainant in filthy language and thereby demanded more dowry. Based on the complaint lodged by the defacto complainant, the respondent police registered a case.



3.The learned counsel appearing for the petitioners submits that earlier there was a matrimonial dispute between the petitioner and the defacto complainant, due to which the defacto complainant family members attacked the petitioners family. Where in the complaint was registered in SPGP No.1103 of 2021, for counter blast the present false case has been filed. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that there are no previous cases pending against the petitioners. He further submits that A1 is the husband and other petitioners are In-laws. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of offence committed by A1, this Court is not inclined to grant anticipatory bail to A1. However no serious allegations were made against the other petitioners, this Court inclined to grant anticipatory bail to the petitioners A2 to A5.

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 *Judicial Magistrate II, Panruti, Cuddalore* 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) 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 petitioner A3 and A5 shall report before the respondent police as and when required. A2 and A4 shall appear 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 petitioner 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.

(*) Being mentioned and All the other observations made in the earlier order dated 26.10.2021 shall remain intact, as per order of this Court dated 16/11/2021 Made in Crl.O.P.NO.19865 of 2021

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PANRUTI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PANRUTI, CUDDALORE DISTRICT.

+1 CC to M/S.M.VAIKUNTH Advocate on payment of necessary charges SR.NO.12975

CRL OP.19865/2021

Date :26/10/2021

TA-02/11/2021

RW 25/11/2021