



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20194 of 2021

1 GEETHA

[PETITIONERS / ACCUSED]

2 MOHAN

3 DHIVAKARAN

4 LAVANYA

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI,
THIRUVALLUR DISTRICT
(CRIME NO.34 OF 2021)

For Petitioners : 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, 406, 498(A) and 506(i) of IPC r/w Section 3(i) and 4 of Dowry Prohibition Act in Cr.No.34 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the third petitioner and the de-facto complainant are husband and wife and their marriage was solemnized in the year 2016. Out of their wedlock, they were blessed with a male child. The first, second and fourth petitioners herein are in-laws of the de-facto complainant. The petitioners continuously harassed the de-facto complainant and demanded dowry of 150



Sovereigns. When the same was not obtained by the de-facto complainant, the petitioners harassed the de-facto complainant and abused her in filthy language. 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 due to some matrimonial dispute between the third petitioner and the de-facto complainant, the de-facto complainant on her own volition left the matrimonial house along with her male child. When the 3rd petitioner sent a legal notice to the de-facto complainant, she lodged a false case against the petitioners. He further submitted that the de-facto complainant filed a petition for restitution of Conjugal rights in HMOP No.167/2021 on the file of the Family Court at Thiruvallur and the 3rd petitioner filed a divorce petition in HMOP No.345/2021 in Sub Court, Ponneri and both the cases are pending in the concerned courts. 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 petitioners harassed the de-facto complainant continuously and demanded dowry of 150 Sovereigns due to which she was subjected to mental agony. Hence he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and considering the fact that the child is staying with the de-facto complainant and since the conjugal rights petition and divorce petition are pending between the parties and the issue is a matrimonial dispute, 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 Honourable District Munsif Cum Judicial Magistrate, Madhavaram, on condition that the 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 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/-
27/10/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [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.11942

CRL OP.20194/2021

Date :27/10/2021

JPA 02/11/2021