



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Eighteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21684 of 2021

1 SELVAMANI  
2 SAMPATH  
3 SHANTHI

[ PETITIONERS / ACCUSED ]

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
MAPPEDU POLICE STATION,  
THIRUVALLUR DISTRICT.  
CRIME NO. 496 OF 2021

[ RESPONDENT ]

For Petitioner : M/S. D.BENNINGTON Advocate

For Respondent : MR.N.S.SUGANTHAN, Government 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), 323, 307 of IPC r/w 4 of Tamil Nadu Prohibition of (Harassment of Women ) Act 1998, in Cr.No.496 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that first petitioner is a husband of the defacto complainant and others are family members of the petitioner. Petitioners harassed the defacto complainant and scold the defacto complainant with filthy languages. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the H.M.O.P No. 176 of 2019 was pending before the Family Court Thiruvallur in the stage of counter for restitution conjugal rights and further submits that the defacto complainant often left to her paternal uncle home and he further submits that the petitioners have not committed any offence as alleged by the prosecution and they have



been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) raised objection stating that based upon complaint given by the wife of the husband against the first petitioner/husband of defacto complainant and his family members that they were not taken care of the wife/defacto complainant and children and the case is still pending . Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard both sides.

6. The learned counsel for the petitioners admits that the petitioner filed an H.M.O.P in the year 2018, and also he admits that the child and defacto complainant/wife was living separately in her parents house. The first petitioner failed to give 50,000/- maintenance amount as awarded by the court below to the defacto complainant and he filed a revision case against the award.

7. Considering all these facts it is clear that child and wife of the first petitioner/defacto complainant is not maintained by the first petitioner. Hence, this Court is not inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

18/11/2021

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 INSPECTOR OF POLICE,  
MAPPEDU POLICE STATION,  
THIRUVALLUR DISTRICT.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. D.BENNINGTON Advocate on payment of necessary charges

CRL OP.21684/2021

Date :18/11/2021

RW 06/12/2021