



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21783 of 2021

1 Santhoshkumar
2 Sandha
3 Usha Rani
4 Sureshkumar
5 Ayyapillai

...Petitioners

Versus

1.State Represented by
Inspector of Police,
All Women Police Station
Sirkazhi.
Cr.No. 22/2021.

2 The Inspector Of Police
Pudhupatti Police Station.
Mayiladuthurai District Sirkazhi
(R2 Suo Motu Impleaded As Per Order
In Crl.O.P.No.21783/2021 Dt.30/11/2021)

...Respondents

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant anticipatory bail in the event of their arrest in Crime No.22 of 2021 on the file of the Respondent Police.

For Petitioners : M/S.K.Raveendran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 352, 498(A), 506(ii) IPC r/w 6(2) Tamil Nadu Prohibition of Harassment of Women Act in Crime No.22 of 2021, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the defacto complainant had married the first petitioner. Further, there was misunderstanding between them. The defacto complainant came to the petitioners house and asked her educational certificate and the same was refused by the petitioners and thereafter, the petitioners had abused the defacto complainant by using filthy language and attacked her with hands and legs. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the first petitioner is the husband and other petitioners are in-laws. He further submitted that the petitioners are not in possession of any educational certificates and jewels as alleged in the FIR. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) appearing for the respondent submitted that due to harassment made by A1 and his family members and besides they also took the educational certificates of the defacto complainant without which she is unable to study further and make her livelihood. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. At the time of the argument of the learned counsel appearing for the petitioners would fairly acceded that they are ready to abide by any conditions. The first petitioner/husband and the defacto complainant along with child are present before this Court, as per the statement given by the defacto complainant that the certificates are withholding by the family members of the first accused/husband, but the first petitioner fairly accepted that the petitioners are innocents. Accordingly, the defacto complainant along with police had gone to the house of the petitioners in search of the educational certificates, she had found some household articles and the gold jewels which are given to her at the time of marriage and given a list of missing educational certificates, household articles and gold jewels given to her at the time of marriage. Since, she being a Graduate in Maths and intended to continue her higher studies. This Court directed the Sirkazhi Police Station, to register a case for missing records, further, the Sirkazhi Police Station has also registered the FIR.

6. Further, the defacto complainant submitted that she has completed her M.Sc B.Ed., but her educational certificate were not found in her matrimonial home and hence, she had taken only the household articles and the gold jewels available in the matrimonial home. With regard to maintenance of the defacto complainant and the child, the petitioner/husband fairly accepted to pay the maintenance as he was drawing a salary of Rs. 35,000/-p.m and he also agreed to pay the maintenance as suggested by this Court. With regard to the



alleged remaining missing articles she has to workout her remedy in the manner known law. The defacto complainant/wife has also stated no objection to see the child by her husband in a nearby Temple by giving intimation in advance.

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7. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed and the first petitioner is ready to give the maintenance to the defacto complainant/wife, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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, Sirkazhi, on condition that the petitioners shall execute a separate 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 first petitioner is directed to pay a sum of Rs.8,000/- as maintenance to the credit of wife/defacto complainant Name: G.Brindha, Account Number.;008301000032134, Indian Overseas Bank, IFSC Code.IOBA0000083, on first week of every Month of English Calender until further orders, failing which order will be canceled.

(c) the petitioners shall report before the respondent police as and when required for interrogation;

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

(e) the petitioners 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.

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-sd/-

15/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SIRKAZHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIRKAZHI.

4 THE INSPECTOR OF POLICE
PUDHUPATTI POLICE STATION,
MAYILADUTHURAI DISTRICT,
SIRKAZHI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 WIFE/DEFACTO COMPLAINANT
NAME: G.BRINDHA,
ACCOUNT NUMBER:008301000032134, INDIAN OVERSEAS BANK,
IFSC CODE:IOBA0000083.

+1 CC to M/S. K.RAVEENDRAN Advocate on payment of necessary charges SR.NO.15029

CRL OP.21783/2021

Date :15/12/2021

RW 28/12/2021