



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22373 of 2021

Khaleelullah

... Petitioner/A3

Vs.

State Rep. By
The Inspector of Police,
W-32, All Women Police Station,
Madipakkam, Chennai.
Crime No.5 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.5 of 2021 on the file of the respondent.

For Petitioner : Mr.P.Syed Abdul Mashood

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406 of IPC and Section 4 of TN Prohibition of Harassment of Women Act 2002, in Crime No.5 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's Son A1 had married the defacto complainant on 29.04.2018 and was presented Mahar of 20 Sovereign gold and they have been blessed with one female child on 19.03.2020. The petitioner and his family members demanding dowry from the defacto complainant and harassed her. Hence, the defacto complainant lodged a complaint against A1 and his family members.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner and other accused persons have filed anticipatory bail petition before the learned Principal Sessions



Judge, Chengalpattu in Crl.M.P.No.4235 of 2021, and the same was dismissed against the petitioner. But the co-accused A2 & A5 have been granted anticipatory bail. He would further submit that A1 filed a divorce petition in O.S.No.111 of 2020 before V Family Court, Chennai, which is also pending and the defacto complainant filed M.C.No.364 of 2021, before the VII Additional Family Court, Chennai and DVC.NO.100 of 2021 against A1 before the Additional Mahila Court, Egmore. The petitioner is the father-in-law of the defacto complainant. He is a diabetic patient and had fistula operation and a cyst on scalp operation at Kalyan Hospital, Chennai. He prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that due to matrimonial dispute the petitioner and his family members harassed the defacto complainant and demanded dowry. Hence, he vehemently opposed to the grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, that the co-accused have already been granted bail and also the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Additional Mahila, Judicial Magistrate, Alandur 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to report before the respondent police on every Thursday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

14/12/2021

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 ADDITIONAL MAHILA,
JUDICIAL MAGISTRATE, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
W-32, ALL WOMEN POLICE STATION,
MADIPAKKAM, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S. P.SYED ABDUL MASHOOD Advocate on payment of
necessary charges SR.NO.14656

CRL OP.22373/2021

Date :14/12/2021

RW 16/12/2021