



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

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

CrI.O.P.No.23057 of 2021

1.Bhaskar
2.Thiripurasundari
3.Dharani
4.Lok Prabhu

.. Petitioners

Vs.

The State Rep.by
The Inspector of Police,
All Women Police Station,
Avadi, Thiruvallur District.
(Crime No.25 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to grant anticipatory bail to the petitioners herein in the
event of their arrest in Crime No.25 of 2021 on the file of the
respondent police.

For Petitioner : Mr.A.E.Ravichandran

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

ORDER

The petitioners who apprehend arrest for the alleged offences
under Sections 498(A), 406, and 506 (1) of IPC and Sec 4 of Dowry
Prohibition Act, 1961 in Cr.No.25 of 2021 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner had
married the defacto complainant in the year 2016. Further, the
petitioners had harassed the defacto complainant and demanded
additional dowry and abused her with filthy languages and threatened
her with dire consequences. Hence, the complaint.



3.The learned counsel appearing for the petitioners submit that the first petitioner is the husband of the defacto complainant and other petitioners are in-laws. He further submitted that the first petitioner had married the defacto complainant during the year 2016 and thereafter, there was a misunderstanding between them, she left the matrimonial home, a false case has been given. He further submitted that the petitioner took steps to live with the defacto complainant and the defacto complainant had refused the same. Further, the first petitioner had filed a divorce petition in HMOP.No.5054 of 2019 on the file of the I Additional Family Court, Chennai and she also filed M.C.No.82 of 2017 for maintenance on the file of the I Additional Family Court, Chennai. He further submitted that there is no dowry demanded on the part of the petitioners and the jewels are given to the defacto complainant. Hence, he prays for grant anticipatory bail.

4.The learned Government Advocate (Crl side) raising objection stating that petitioners had demanded additional dowry from the defacto complainant and harassed her and sent out from the matrimonial house.

5. At the time of arguments both counsel, the defacto complainant/wife and the first petitioner/husband are appeared before this Court for enquiry, at that time the wife/defacto complainant submits that her in-laws are harassed her by demanding dowry and forcefully sent out her from the matrimonial house. Now, she living with her parents. On the other side husband/first petitioner admitted his employment now, he is drawing a salary a sum of Rs.71,528/- to the fact that defacto complainant produced her husband/first petitioner's salary slip, which was obtained through the Right to Information Act.

6. On perusal of records it reveals that first petitioner/husband get a net salary a sum of Rs.53,379/- in the month of October and his family members also receiving a Government salary. However, the girl/defacto complainant does not have any source of income. Here, the husband/first petitioner admits there is maintenance case without prejudice to his rights, he is ready to give maintenance to the wife/defacto complainant as ordered by this court. Accordingly, On seeing the salary of the first petitioner got more than fifty thousand.

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 No.I, Poonamallee, on condition that the petitioners shall execute a 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.10,000/- as maintenance to the credit of wife/defacto complainant Name: G.Suganya, Account Number.;855352176, Indian Bank, Ayanavaram Branch, Chennai, on first week of every Month of English Calender until further orders passed in M.C. Case, 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.

-sd/-
08/12/2021

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 I ADDITIONAL FAMILY COURT,
CHENNAI.

2 THE JUDICIAL MAGISTRATE,
NO.1, POONAMALLEE.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
AVADI, THIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 Name: G.Suganya, [WIFE/DEFACTO COMPLAINANT]
Account Number.;855352176,
Indian Bank, Ayanavaram Branch,
Chennai

+1 CC to M/S. A.E.RAVICHANDRAN Advocate on payment of necessary
charges SR.NO.14294

CRL OP.23057/2021

Date :08/12/2021

RW 16/12/2021