

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.34067 of 2019, 609 & 5494 of 2020

Crl.OP.No.34067 of 2019

R.Suganthi

...Petitioner/Defacto Complainant

Vs.

1.State rep by its,
Inspector of Police,
All Women Police Station,
Erode-638 001

2.Deivanai @ Parijatham

3.Sivaraman

4.Muthukumar @ Gobi

5.Sekar

6.Prabha @ Premadevi

...Respondents/Accused

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to cancel the anticipatory bail granted by the Principal District Sessions Judge, Erode in Crime No.17 of 2019 on 14.06.2019 in Crl.MP.No.828 of 2019.

For Petitioner : Mr.M.Murugesan

For Respondents

For R1 : Mr.Ramar,

Government Advocate (Crl.side)

For R2 to 6 : Mr.R.Prabakar

Crl.OP.No.609 of 2020

R.Suganthi

...Petitioner/Defacto Complainant

Vs.

1.State rep by its,
Inspector of Police,
All Women Police Station,
Erode-638 001

2.Govindaraj

3.Parimala

...Respondents/Accused

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to cancel the anticipatory bail granted by the Principal District Sessions Judge, Erode in Crime No.17 of 2019 on 14.06.2019 in Crl.MP.No.827 of 2019.

For Petitioner : Mr.M.Murugesan

For Respondents

For R1 : Mr.Ramar,
Government Advocate (Crl.side)

For R2 & 3 : Mr.R.Prabakar

Crl.OP.No.5494 of 2020

R.Suganthi ... Petitioner/Defacto Complainant

Vs.

1.State rep by its,
Inspector of Police,
All Women Police Station,
Erode-638 001

2.G.Prathap ... Respondents/Accused

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C., praying to cancel the anticipatory bail granted by this Court in Crime No.17 of 2019 on 21.06.2019 in Crl.OP.No.15847 of 2019.

For Petitioner : Mr.M.Murugesan

For Respondents

For R1 : Mr.Ramar,
Government Advocate (Crl.side)

For R2 : Mr.R.Prabakar

COMMON O R D E R

These criminal original petitions have been filed praying to cancel the anticipatory bail granted to the respondents / accused in Crime No.17 of 2019 registered for the offences under Sections 498(a), 323, 342 and 506(ii) of IPC on the file of the first respondent.

2. There are totally eight accused. The first accused is the husband and others are in-laws and relatives of the petitioner / defacto complainant. The entire allegations are related to their family dispute. On perusal of the records

revealed that the petitioner herein got married the first accused on 29.11.2017. Thereafter, the husband and in-laws tortured her and also threatened her with dire consequences. She was driven out from the matrimonial house. The first accused filed divorce petition on the ground of cruelty in HMOP.No.8 of 2019. In fact, before lodging the complaint, the first accused filed divorce petition in HMOP.No.8 of 2019 on the file of the Family Court, Erode. The petitioner / defacto complainant also filed HMOP.No.74 of 2019 on the file of the Sub Court, Karur for restitution of conjugal rights. She also filed maintenance case in MC.No.14 of 2019 under Section 125 of Cr.P.C. on the file of the Chief Judicial Magistrate, Karur. She also filed complaint under Domestic Violence Act in DVC.No.20 of 2019 as against the accused persons on the file of the Judicial Magistrate No.II, Karur. Some of the in-laws have filed quash petition before this Court in Crl.OP.No.11606 of 2019 and this Court by order dated 06.09.2019 quashed the entire proceedings in DVC.No.20 of 2019 on the file of the Judicial Magistrate No.II, Karur.

3. Considering those facts, this Court as well as the District Courts granted anticipatory bail in the present Crime No.17 of 2019 by order dated 14.06.2019 to the accused 4 to 8 on condition that they shall report before the District Munsif cum Judicial Magistrate, Kodumudi daily at 10.30 a.m. for a period of 30 days and further condition that they shall make available themselves for interrogation as and when required and they shall not directly or indirectly make any inducement or threat or promise to any person acquainted with the fact of the case. The first accused was granted anticipatory bail by this Court by order dated 21.06.2019 in Cr.No.17 of 2019 on condition that the petitioner shall report before the respondent Police for two weeks daily at 10.30 a.m. and thereafter as and when required for interrogation. Insofar as other accused persons, they were granted anticipatory bail by the Principal District Sessions Court, Erode by order dated 14.06.2019 on condition that they shall report before the District Munsif cum Judicial Magistrate, Kodumudi daily once at 10.30 a.m. for a period of 30 days. Thereafter, they shall make available themselves for interrogation as and when required and they shall not directly or indirectly make any inducement or threat or promise to any person acquainted with the facts of the case.

4. The only contention raised by the learned counsel for the petitioner / defacto complainant is that even after this crime, the accused persons repeatedly committed three crimes as against the petitioner. On the complaint lodged by the petitioner, the Inspector of police, Thanthondrimalai Police Station, Karur District registered FIR in Crime No.260 of 2019 dated 28.08.2019 for the offences under Sections 341, 294(b), 323, 506 (i) of IPC and Section 4 of Tamil Nadu Prohibition of

Harassment of Women Act. That apart, on the complaint lodged by the petitioner, the Inspector of Police, Aravakurichi Police Station also registered case as against the respondents. Therefore, they violated the condition and their anticipatory bail are liable to be cancelled.

5. The learned counsel for the accused persons submitted that all the subsequent complaints are only to harass the respondents and with false averments. Except the present complaint, other complaints were closed by the respective Police Stations. In fact, the learned Government Advocate (Crl.side) appearing for the first respondent Police submitted that the conditions imposed by this Court as well as District Courts are duly complied by the respondents.

6. Considering the above submissions and also considering that the disputes are family related disputes between the husband and wife, and on perusal of records, it also revealed that there are so many proceedings pending between the petitioner and the first accused, hence, this Court is not inclined to cancel the anticipatory bail granted to the respondents / accused.

7. Accordingly, these criminal original petitions are dismissed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal District Sessions Judge,
Erode

2. The Inspector of Police,
All Women Police Station,
Erode-638 001

3. The Public Prosecutor,
Madras High Court,
Chennai.

+1 CC to Mr.R. Prabhakar, Advocate sr 25615.

Crl.O.P.Nos.34067 of 2019, 609 &

5494 of 2020

CA(CO)

SP(06/07/2021)