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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Cr1.O.P.No.2620 of 2022

1.S.Selvavinayagam
2.S.Sundaram
3.S.Rajeswari
4.S.Gowtham Raj @ Gowtham
5.A.Rajaji

... Petitioners

Vs.

State rep. by
The Inspector of Police,
W-8, All Women Police Station,
Tirumangalam, Chennai - 101.
(Cr. No.03 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.03 of 2022 on the file of the respondent police.

For Petitioners : Mr.D.Harikrishnan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervener : Mrs.Rama Gosala

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406 of IPC and 4 & 6 of Dowry Prohibition Act, in Crime No.03 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a matrimonial dispute between the first petitioner and the defacto complainant, the petitioner got married the defacto complainant in the



month of February 2019. Thereafter, the first petitioner and his family members started to harass the defacto complainant and demanded additional dowry. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the first petitioner tried to commit suicide and he was taken treatment and recovered at E.S.Hospital in Villupuram on 12.03.2020. He further submits that the petitioner filed a petition in HMOP.No.205 of 2021 before the Subordinate Judge at Poonamallee and the same is pending. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners along with other accused persons had harassed the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case that both first petitioner and the wife/defacto complainant were employed and due to family dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned VI Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners 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 and on further conditions 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 appear before the respondent police on every Saturday at 10.30 a.m., until further orders and the petitioners 2 to 5 are directed to appear before the respondent police as and when required for interrogation.

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

(d) the petitioners 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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. The first petitioner and the defacto complainant are family members and they are directed to appear before the District Mediation Centre, Tiruvallur District for five hearings and report to this Hon'ble Court by 14.03.2022.

-sd/-

04/02/2022

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 METROPOLITAN MAGISTRATE,
NO.VI, EGMORE, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUBORDINATE JUDGE,
POONAMALLEE.

4 THE INSPECTOR OF POLICE,
W-8, ALL WOMEN POLICE STATION,
TIRUMANGALAM, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE DISTRICT MEDIATION CENTRE,
TIRUVALLUR DISTRICT.



7 THE ASSISTANT REGISTRAR
TAMIL NADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS.

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+1CC to M/S D.HARIKRISHNAN Advocate on payment of necessary
charges SR.No.1996

CRL OP.2620/2022

Date :04/02/2022

CSK 10/02/2022