



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3839 of 2022

1 S.R.PONNUSAMY [PETITIONERS / ACCUSED]
2 RANGAN
3 MOHANA
4 S.R.SANTHI
5 V.PALANI

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
AWPS THIRUTHANI POLICE STATION,
TIRUVALLUR DISTRICT.
(CRIME NO.05/2022)

For Petitioner : M/S. D.ANBARASAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 294(b), 498(A), 506(i) of IPC & r/w Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.5 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband and the other petitioners are in-laws of the defacto complainant. On 05.01.2022, the petitioners attacked the defacto complainant demanding dowry and also threatened her in filthy language. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that in the alleged occurrence, none of the petitioners demanded dowry. The averment found in the F.I.R. also is a evident that the petitioners are innocent. Accordingly, he pleaded for anticipatory bail to the petitioners.



4. Mr.S.Santhosh, the learned Government Advocate(crl.side) appearing for the respondent police raised objection stating that investigation is pending. However he admits portion of investigation has been completed.

5. The submissions made by the learned counsel on either side are considered.

6. The respondent police registered a case against the petitioners for the offences punishable under Sections 294(b), 498 (A), 506(i) of IPC r/w Section 4 of TN Prohibition of Harassment of Women Act, 2002. Now on go through the averment found in the first information report, it was alleged that after marriage, the petitioners are making criminal intimidation directed the defacto complainant to left the matrimonial home. Apart from those allegations, nothing was found in the first information report. Therefore, taking note of all the above said aspects into consideration and the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. 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 District Judicial Magistrate Court, Tiruttani, Tiruvallur District on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 his 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 petitioners shall report before the respondent police daily at 10.00 a.m. for a period of thirty (30) days and thereafter, as and when required for investigation.

(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 petitioners in accordance with law as if the conditions



have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
24/02/2022

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 DISTRICT JUDICIAL MAGISTRATE,
TIRUTTANI, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
AWPS THIRUTHANI POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. D.ANBARASAN Advocate on payment of necessary charges SR.No.2972

CRL OP.3839/2022

Date :24/02/2022

CSK 02/03/2022