



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM:

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

CrI.O.P.No.5204 of 2022

1.P.Vijayakumar
2.Vimala
3.V.Veeramani

...Petitioners

Vs.

The State rep. by the
The Inspector of Police,
W-16 All Women Puliyanthope Police Station,
Chennai.
(Crime No.17 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on anticipatory bail in the event
of their arrest Crime No.17 of 2021 on the file of the respondent
police.

For Petitioners : Mr.E.Balaji

For Respondent : Mr.L.Baskaran
Government Advocate (CrI. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 498-A,
406 and 506(i), in Crime No.17 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is
the father-in-law, second petitioner is the mother-in-law and the
third petitioner is the husband of the defacto complainant. The
defacto complainant made a complaint before various forum including
the respondent police for the past four months alleging that the 3rd
petitioner married the defacto complainant on 11.03.2021 by compulsion
that as the 3rd respondent had love affair with the defacto
complainant and during that time, he promised to marry her, but,
subsequently refused. Thereafter, initially she made a complaint
before the State Women's Commission, for which, the defacto
complainant and 3rd petitioner appeared before the said commission,
where the 3rd petitioner was compelled by the commission to perform
the marriage with the defacto complainant otherwise his job would be



disturbed. Accordingly, the 3rd petitioner married the defacto complainant due to the compelling circumstances. This is a case of matrimonial dispute, subsequently, he harassed her to give divorce. Hence, again she gave this fresh complaint. But he falsely contended that she gave torture by demanding money. He being police attempted to play all sort of deceitful tactics to get away from this marriage. Hence, the complaint.

3.The learned counsel appearing for the petitioners submit that there was a compromise aroused between the defacto complainant and the third petitioner. Accordingly, the third petitioner is ready to pay a sum of Rs.9lakhs as a alimony and the same was accepted by the defacto complainant and a sum of Rs.5 lakhs was obtained by the defacto complainant on 03.01.2022. Further, both the defacto complainant and third petitioner filed a H.M.O.P under Section 13-B of the Hindu Marriage Act, before the Family Court, Chennai and the case was posted for recording evidence in the month of September 2022 to that effect he enclosed the copy of the H.M.O.P petition. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl side) submits that the petitioner is having affair with many women and hence, the present case has been filed by the defacto complainant. He further submits that the investigation was almost completed.

5. A perusal of the available records before this Court reveals that there is a family dispute between the defacto complainant and the petitioners and the same was solved with the help of their family elders and the defacto complainant had also received a sum of Rs.5,00,000/- as a alimony.

6. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners with 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 learned Additional Mahila Court, Egmore, Chennai -8, on condition that the petitioners shall execute separate bonds 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 petitioners shall report before the respondent police on every Saturday at 10.30 a.m. for a period of six months (till September 2022) and thereafter as and when required for an 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 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;

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

-sd/-

25/03/2022

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 ADDITIONAL MAHILA COURT, EGMORE, CHENNAI-8.

2 THE FAMILY COURT, CHENNAI

3 THE INSPECTOR OF POLICE,
W16, ALL WOMEN POLICE STATION,
PULIANTHOPE, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.E.BALAJI Advocate on payment of necessary charges
Sr.4552

CRL OP.5204/2022

Date :25/03/2022

RVR 29/03/2022