



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Fourteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5833 of 2022

1 SIVASELVAN
2 B.SHOBA

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
AWPS POLICE STATION,
AVADI,
CHENNAI.

[RESPONDENT]

(CRIME NUMBER.NOT KNOWN OF 2021)

For Petitioner : M/S.M.BALAJI Advocate

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

For Intervener : MR.M.T.ARUNAN, Advocate

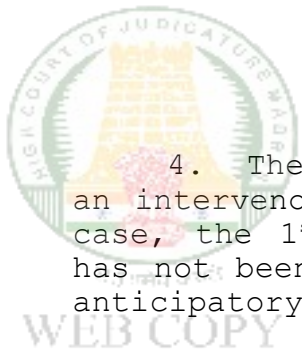
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences **under Sections 294(b), 323, 324 & 498(A) of IPC r/w Section 4 of Dowry Prohibition Act**, in Crime No.146 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The petition for anticipatory bail is arising out of the matrimonial dispute. The defacto complainant is the wife of the 1st accused. These petitioners are the defacto complainant's Sister-in-law and her husband.

3. The learned Government Advocate (crl.side) appearing for the respondent states that the alleged incident took place on 22.02.2020 and First Information Report filed on 27.02.2020. On completion of investigation, final report has been filed.



4. The learned counsel for the defacto complainant appearing as an intervenor submitted that there is a case in counter and in this case, the 1st petitioner being a police official, the investigation has not been done properly and the petitioners are not entitled for anticipatory bail.

5. This Court, on considering the fact that the final Report had already been filed, it is always open to the defacto complainant to work out her remedy in the manner known to law and she cannot interfere the anticipatory bail at this stage. Hence, this Court is inclined to grant anticipatory bail to the petitioners 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 seven days from the date of receipt of a copy of this order, before the Learned **Judicial Magistrate, Ambattur, Chennai** on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

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

(d) **the petitioners shall cooperate with the trial without causing any hindrance to the 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 has 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/-

14/03/2022

WEB COPY

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 JUDICIAL MAGISTRATE,
AMBATTUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS POLICE STATION,
AVADI,
CHENNAI.

CC to M/S.M.BALAJI Advocate on payment of necessary charges

CRL OP.5833/2022

Date :14/03/2022

TA-22/03/2022