



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Ninth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6427 of 2022

1 A.RAJESH KUMAR [PETITIONERS / ACCUSED]
2 VAIJAYANTHI MALA
3 A.PREM KUMAR

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
AWPS POLICE STATION,
TIRUVALLUR DISTRICT.
(CRIME NO.11/2022)

For Petitioner : M/S.T.RAVI 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 at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 323, 506(i) of IPC r/w 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.11 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The defacto complainant is the wife of the 1st petitioner/accused alleging that the marriage took place in the year 2013 and through the 1st petitioner she has two children. While so the petitioners are harassing her demanding dowry and also 3rd petitioner misbehaved with her.

3. Whereas the petitioners stated that the defacto complainant due to some misunderstanding has parted away from the 1st petitioner on 03.01.2019 and living with her parents. While so with an ulterior motive, the present complaint has been lodged with frivolous allegations.



4. Considering the nature of the allegation and the submissions made by the petitioners counsel, this Court is of the view that custodial interrogation of the petitioners are not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 Additional Mahila Court, Tiruvallur District on condition that each of the petitioners shall execute a separate bonds for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 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;

(c) the petitioners shall report before the Investigating Officer as and when required;

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



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

WEB COPY

-sd/-
29/03/2022

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,
TIRUVALLUR DISTRICT.

2 THE INSPECTOR OF POLICE,
AWPS POLICE STATION,
TIRUVALLUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.T.RAVI Advocate on payment of necessary charges
SR.No.4859

CRL OP.6427/2022

Date :29/03/2022

CSK 04/04/2022