



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

Tuesday, the Twenty Sixth day of April Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.7793 of 2022

PRAGATHISHA KARTHIK

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI, TIRUVALLUR DISTRICT.
CR NO. 23/2021

[RESPONDENT]

For Petitioner : M/S.S.M.A.JINNAH Advocate

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

For Intervenor : M/S C.SANTHOSH KUMAR Advocate

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for an offence under Sections 498(A), 323, 384, 451, 506(ii) and Section 4 of Tamil Nadu Women Harrassment Act, in Crime No.23 of 2021, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner herein is the husband of the defacto complainant and he had illicit relationship with another women before the marriage and after the marriage and with the inducement of the in-laws, the petitioner demanded more dowries from the defacto complainant and thrown her away from the house, since she refused to give dowries and the in-laws of the defacto complainant harassed and abused her for more dowries. Hence this complaint.

3. Earlier, apprehending arrest, the petitioner along with two other accused had filed a petition for anticipatory bail before this Court in Crl.O.P.No.14483 fo 2021 and this Court granted anticipatory bail in respect of in-laws alone and dismissed the petition in



respect of the petitioner herein. However subsequent to the above order, on the very next day, the petitioner and inlaws by suppressing the earlier petition for anticipatory bail, filed another petition for the very same relief through some other counsel, for the very same Cr.No.23 of 2021 and this Court vide order dated 17.08.2021, granted anticipatory bail to the petitioner also. In view of the suppressing of fact, the defacto complainant has filed a cancellation petition in CrI.M.P.No.324/2022 and this Court on coming to know about the said illegal act of the petitioner, had cancelled the anticipatory bail granted to him. Aggrieved by the same, the present Criminal Original Petition is filed by the petitioner for grant of anticipatory bail.

4. The learned counsel appearing for the defacto complainant submitted that already the petitioner and the in-laws had cleverly moved another petition for anticipatory bail, immediately when the petitioner was not granted anticipatory bail in the first petition and got the order of anticipatory bail for all the accused in the second petition, which is clear abuse of process of law and the accused have approached this Court with unclean hands and hence prays for dismissal of this Court.

5. The learned Government Advocate (CrI. side) submitted that there is no change in circumstances after the previous order was passed on merits. Hence, the learned Government Advocate vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the above facts and circumstances, this Court is of the opinion that no change of circumstances arises for considering this bail petition. Hence, this Criminal Original petition is dismissed.

-sd/-

26/04/2022

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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI, TIRUVALLUR.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.S.M.A.JINNAH
charges Sr.6327

Advocate on payment of necessary

CRL OP.7793/2022

Date :26/04/2022

RVR 06/05/2022