



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7401 of 2022

1 RAMKUMAR [PETITIONERS / ACCUSED]
2 RAMAMOORTHY
3 RADHA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PANRUTI, CUDDALORE DISTRICT.
CRIME NO.5/2022.

For Petitioner : M/S.A.BALAMURUGAN, 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 offences under Sections 498(A), 294(b), 354(B) and 506(i) of I.P.C and Section 4 of the Dowry Prohibition Act in Crime No.5 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners herein apprehending arrest on the complaint given by the defacto complainant are before this Court seeking anticipatory bail. The defacto complainant is none other than the wife of the first petitioner and daughter-in-law of the petitioners 2 and 3.

3. The learned counsel appearing for the petitioners submits that there is matrimonial discord between the first petitioner and the defacto complainant in the year 2019 and several attempts have been made to reconcile and the same failed. In fact, earlier divorce petition was filed by the first petitioner in HMOP.No.42 of 2020 on 29.07.2020 and later, on the intervention of the Mediation, the said



petition was withdrawn and it was assured by the defacto complainant's father that the defacto complainant will take proper medical treatment for her mental illness. Contrary to his promise, the defacto complainant failed to take medical care which again led to filing of the divorce petition by the first petitioner in HMOP.No.35 of 2021 on 26.04.2021. Thereafter, the criminal complaint has been filed alleging as if the petitioners are continuously harassing the defacto complainant by demanding dowry. However, according to the FIR, money deposited by the defacto complainant's father in the defacto complainant's account still stands in her name and not been withdrawn by the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that the investigation indicates that under the threat of divorce, the defacto complainant's father was forced to deposit a sum of Rs.10,00,000/- in the account of the defacto complainant and to pay a sum of Rs.3,00,000/- in cash as dowry. In spite of receiving the same, the first petitioner herein again has filed a divorce petition which has prompted the defacto complainant to approach the police for dowry harassment for registering the case under the Dowry Prohibition Act alleging the dowry harassment.

5. On cumulative reading of the petition for divorce and the complaint, this court is of the view that because of the pendency of the divorce petition, the allegation made in the complaint can be investigated by the respondent police by passing notice to the petitioners herein to appear before him for enquiry and the petitioners are directed to cooperate with the enquiry without any deviation.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 No.1, Panruti**, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh 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 conditions 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the Investigating Officer as and when required for interrogation.

(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 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;

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

-sd/-

31/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

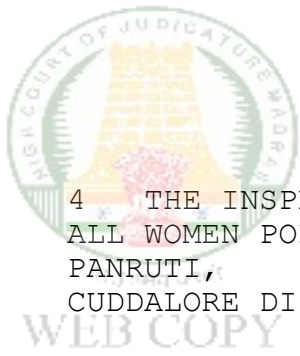
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.1, PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PANRUTI,
CUDDALORE DISTRICT.

+1 CC to M/S. P.SATHEESH KUMAR Advocate on payment of necessary
charges SR.NO.4956

CRL OP.7401/2022

Date :31/03/2022

TA-06/04/2022