



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7475 of 2022

1 N.SATHISH [PETITIONERS / ACCUSED]
2 SANTHAKUMARI
3 RAJESH

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
W35 ALL WOMEN POLICE STATION,
TAMBARAM, CHENNAI 600045.
(CRIME NO.12/2022)

For Petitioner : M/S M.UDAIYA BHANU Advocate

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

For Intervenor : MR.M.D.ILAYARAJA, 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 offence under Sections 498(A), 323, 354(A)(1)(i) and 506(I) of IPC, 1860 in Crime No.12 of 2022, on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned Government Advocate (CrI. Side) and the intervenor who appeared for the de facto complainant.

3. It is a complaint alleging dowry and sexual harassment by the in-laws, the de facto complainant got married to one Sathish on 14.06.2021, he lived with her for hardly 58 days and got separated due to misunderstanding. Thereafter the complaint alleging dowry and sexual harassment has been lodged on 24.01.2022 against her husband and in-laws. The petitioners herein are husband, mother-in-law and brother-in-law of the de facto complainant who are arrayed as A-1, A-3 and A-4 respectively.



4. The learned counsel for the petitioners would submit that the de facto complainant was found in illicit relationship with many male friends and that was projected by the first petitioner herein, infuriated by that she left the matrimonial house and thereafter, she gave false and imaginary allegation.

5. The learned counsel for the de facto complainant as intervenor submitted that the second petitioner has caused burn injury to the de facto complainant and after the registration of the complaint on 24.01.2022, the petitioners came to the house of the de facto complainant and threatened her to withdraw the complaint. In this regard, a petition has been given to the Manimangalam police station on 31.03.2022, therefore if the petitioners are granted anticipatory bail there is every possibility of causing threat to the de facto complainant.

6. The learned Government Advocate (Crl. Side) would submit that, as far as the alleged burn injury by the second petitioner, the de facto complainant has not produced any documents or records or evidence and so far as other allegations, investigation is under way. The first petitioner was summoned and he appeared once before the Investigating Officer, it is further stated that the first petitioner herein has already initiated divorce proceedings before the Chengalpet Family Court and the same is pending in H.M.O.P No. 19 of 2022 dated 28.02.2022.

7. In the above said circumstances, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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, Tambaram, on condition that the petitioners shall execute 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) 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/-

05/04/2022

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 JUDICIAL MAGISTRATE,
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
W35 ALL WOMEN POLICE STATION,
TAMBARAM, CHENNAI 600045

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3CC to M/S M.UDAIYA BHANU Advocate on payment of necessary charges SR.No.5174

CRL OP.7475/2022

Date :05/04/2022

CSK 07/04/2022