



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Nineteenth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8465 of 2022

1 C.VIJAYA
2 K.SUSILAVANAYA
3 S.KESAVAN

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
W-14 ALL WOMEN POLICE STATION,
THIRUVOTTIYUR,
CRIME NO.8 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R.NIRMALA DEVI Advocate

For Respondent : M/S.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 for the offence punishable under Sections 323, 342, 406, 498-A of IPC and Section 4 of Dowry Prohibition Act 1961 in Crime No.8 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The defacto complainant is the wife of Kanaga Subramanian has given a complaint alleging that dowry harassment made by her husband and in-laws. Varieties of allegations made in the FIR against these petitioners. Whereas, the learned counsel for the petitioners states that the marriage between the defacto complainant and the son of A2 had taken place on 02.09.2013 and out of his wedlock, a male child was born on 28.11.2014. Thereafter, due to frequent quarrel, she deserted the matrimonial house on her own accord in the year 2019 and refused to join with her husband. Earlier complaint was given by



the defacto complainant in the year 2019 and that was closed as "mistake of fact" and the same set of facts after three years, fresh complaint has been filed for harassing the petitioners. It is also stated that the son of the second petitioner is already initiated divorce proceedings before the Alandur Sub Court and the same is numbered as H.M.O.P No.164 of 2022 after receipt of the summons in the said divorce petition, fresh complaint has been given by the defacto complainant alleging dowry harassment.

3. Taking note of the fact, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

4. 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, Thiruvottiyur, on condition that the petitioners shall execute separate bonds 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 learned Magistrate concerned and on further conditions 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 respondent police as and when required for interrogation;

(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 are 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/-
19/04/2022

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,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
W-14 ALL WOMEN POLICE STATION,
THIRUVOTTIYUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.R.NIRMALA DEVI Advocate on payment of necessary charges SR.NO. 5828

CRL OP.8465/2022

Date :19/04/2022

RW 26/04/2022