



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.9703 of 2022

1 SUDHA
2 SWEATHA

[PETITIONER / ACCUSED]

Vs

(*)1 THE DEPUTY SUPERINTENDENT OF POLICE
KRISHNAGIRI SUB DIVISION,
KRISHNAGIRI DISTRICT
CRIME NO.127 OF 2022.

[RESPONDENT]

2 KANIYAMUTHAN KRISHNAN

For Petitioner : M/S.R.VIVEKANANTHAN Advocate

For Respondent : M/S.V.J.PRIYADARSANA, Govt. Advocate (Crl. Side)

For Intervenor : M/S.J.PARTHIBAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners'/A2& A3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 417, 420, 312 of IPC and Section 4 of TN Prohibition of Harassment of Women Act and 3(1)(r), 3(1)(s) & 3(2)(va) of SC & ST (Prevention of Atrocities) Amendment Act 2015 in Crime No.127 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant belonged to Scheduled Caste and his daughter married one Vigneshwarar/A1. After the marriage, there was a family dispute with regard to community difference among the de facto Complainant and petitioners family. The petitioners/A2&A3 herein are the in-laws of the de facto complainant's daughter. It is further alleged that the pregnancy of the de facto complainant's daughter was terminated at the behest of the accused persons. Hence, the complaint.



3. There are totally three accused in this case, in which the petitioners herein are arrayed as A2 & A3. The allegation as against the petitioners is that, they along with A1 given tablets to abort the pregnancy of the victim girl. A1 was arrested and remanded to judicial custody. In fact, A1 had also filed a petition to annul the marriage which is said to have taken place with the victim girl in HMOP No.1176 of 2022 pending on the file of Sub Court, Poonamallee.

4. The learned counsel for the intervenor/2nd respondent/de facto complainant submitted that the petitioners also joined with the hands of the A1 and compelled the victim girl to consume tablets to abort the pregnancy. Therefore, they had specific overt act and their custodial interrogation is very much required in this case. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. On perusal of the earlier complaint lodged by the de facto complainant, it does not reveal any allegation with regard to compelling the victim girl to consume tablets to abort the pregnancy. On receipt of the complaint from the de facto complainant, the A1 was issued with summons to appear for enquiry to be held on 22.11.2021. Thereafter, the complaint was lodged with the allegation that A1 to A3 had given tablets to abort the pregnancy of the victim girl.

5. Therefore this Court is of the view that, custodial interrogation of the petitioners does not required in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Sessions Judge, Krishnagiri, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.



[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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[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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
08/06/2022

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.

(*)AMENDED AS PER ORDER OF THIS COURT DATED 08/06/2022 MADE IN CRL.MP.No.7056 OF 2022 IN CRL.O.P.NO.9703 OF 2022

TO

1 THE DISTRICT SESSIONS JUDGE,
KRISHNAGIRI

2 THE DEPUTY SUPERINTENDENT OF POLICE
KRISHNAGIRI SUB DIVISION,
KRISHNAGIRI DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



+2 CC to M/S.R.VIVEKANANTHAN Advocate on payment of necessary charges SR.NO.8631

+1 CC to M/S.J.PARTHIPAN Advocate on payment of necessary charges SR.NO.8723

CRL OP.9703/2022

Date :08/06/2022

JPA 15/06/2022