



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12681 of 2022

1 S.SOUNDARRAJAN
2 S.SESHADRI
3 V.MYTHILI
4 S.SRIRAM
5 S.MURALI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHENGALPET.
(CRIME NO. 3 OF 2022)

[RESPONDENT]

For Petitioner : M/S. W.CAMYLES GANDHI Advocate

For Respondent : M/S.V.MEGANATHAN, 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 offence under sections 323, 406, 498 (A), 506(i) of IPC and Section 4 of TNPWH Act in Crime No.3 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the husband, father - in - law, mother - in - law, brother - in - law and brother - in - law of the defacto complainant. The marriage in between the first petitioner and the defacto complainant took place during February, 2019 and there was constant indifference in between the defacto complainant and her husband from the date of marriage and



finally the defacto complainant left the matrimonial home during July, 2021 and lodged the present complaint alleging that the petitioners demanded dowry and harassed her.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel further submitted that the defacto complainant had filed F.C.O.P.No.405 of 2021 before the Family Court, Chengalpet seeking divorce on the ground of impotency and cruelty and the first petitioner has filed H.M.O.P.No.294 of 2021 before the Family Court, Chennai, seeking divorce on the ground of cruelty and the defacto complainant has also filed domestic violence case as against the petitioners and suppressing all these facts, the defacto complainant has lodged the present complaint. Accordingly, the learned counsel prays for grant of Anticipatory Bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that based on the complaint lodged by the defacto complainant, the case was registered on 24.05.2021 for the offence under Sections 323, 406, 498 (A), 506(i) of IPC and Section 4 of TNPWH Act. He further submitted that the sreedhana articles and other articles of the defacto complainant are still retained by the petitioners and that investigation in the case has just commenced and objected for grant of anticipatory bail to the petitioners.

5. Heard the submissions made by the learned Counsel appearing for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent.

6. Considering the fact that the case is due to matrimonial dispute and the fact that matrimonial proceedings have already been initiated by the first petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners subject to imposing conditions.

7. 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 Judicial Magistrate - I, Chengalpattu, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each (since the petitioners belong to the same family, common sureties shall be accepted) 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 petitions for anticipatory bail shall be 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the first petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter shall report before the respondent police as and when required for interrogation and petitioners 2 to 5 shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(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]; and;

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

-sd/-

27/05/2022

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.I, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHENGALPET.

WEB GOVERNANCE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO. 8058

CRL OP.12681/2022

Date :27/05/2022

RW-01/06/2022