



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Thirteenth day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.13588 of 2022

1 JAGADISH J
2 J.TAMILSELVI
3 J.JAGASRI

[PETITIONERS/ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KELAMBAKKAM POLICE STATION,
CHENGALPATTU. (CR.NO.158 OF 2022)

[RESPONDENT]

NOW TRANSFERRED TO KANATHUR ALL WOMEN POLICE STATION,
CHENGALPATTU

For Petitioner : M/S.E.SENTHILNATHAN Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S JAIHARISUDHAN Advocate

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 498(A), 406, 506(ii) IPC and 66A of Information Technology Act and 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2022, in Crime No.158 of 2022, on the file of the respondent police, seek anticipatory bail.

2. Totally there are three accused in this case. A1 is the husband A2 is the mother-in-law and A3 is the sister-in-law of the defacto complainant. The case of the prosecution as per the defacto complainant is that the marriage between the defacto complainant and the first petitioner took place on 10.05.2015 and out of wedlock they got one girl child. During the course of marital life, the first petitioner borrowed a sum of Rs.76,61,343/- from the defacto complainant and when return back the same, the petitioners are continuously harassing her and demanded more dowry. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant is a divorcee and it is her second marriage with the first petitioner. He would further submit that the first petitioner has given a sum of Rs.8 lakhs to the defacto complainant and for the remaining balance, he would obtain loan from the bank. He would further submit that the first petitioner has filed a petition for divorce in H.M.O.P.No.16 of 2022 before the Sub Court, Chengalpattu and the same is pending. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the marriage between the first petitioner and the defacto complainant took place on 10.05.2015 and even after the marriage there was some misunderstanding between them and they demanded more dowry. Therefore, a complaint has been given by the defacto complainant. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and also considering the fact that the petition for divorce is pending, 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Alandur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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, 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 first petitioner shall report before the respondent police daily twice at 10.30 a.m and 5.30 p.m, until further orders and the petitioners 2 and 3 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

13/06/2022

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.

TO

1 THE JUDICIAL MAGISTRATE, NO. II, ALANDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KELAMBAKKAM POLICE STATION, CHENGALPATTU.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KANATHUR ALL WOMEN POLICE STATION,
CHENGALPATTU

CC to M/S.E.SENTHILNATHAN Advocate on payment of necessary charges Sr.8959

+2 CC to M/S.V.JAIHARISUDHAN Advocate on payment of necessary charges Sr.8956

CRL OP.13588/2022

Date :13/06/2022

RVR 22/06/2022