



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.22484 of 2021

Sornadevi

.. Petitioner

Vs.

The State Rep.by
The Inspector of Police,
All Women Police Station,
Ambattur, Chennai.
Crime No.12 of 2018.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of his arrest or his appearance before any Court in connection with the case in Crime No.12 of 2018 which is pending on the file of the respondent Police .

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

Mr.R.Balakrishnan
for Intervenor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498A, 494, 406, 109 of IPC, in Crime No.12 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the sister of A1, the petitioner along with accused/A1 made dowry harassment and threatened the defacto complainant by using filthy language. Thereby, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioner submits that the dispute is purely matrimony dispute between the defacto complainant and her husband and the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner's brother filed a petition



for conjugal rights in HMOP.No.2487 of 2015 before the III Additional Family Court, Chennai, where the defacto complainant was advised by the Family Court Counsellors, but she did not heed the advice and refused to live with the petitioner's brother. Thereafter, the petitioner's brother withdrew the said HMOP and filed a petition HMOP No.4843 of 2015 for divorce. Eventually on 23.06.2016 the marriage between the defacto complainant and the petitioner's brother Manikandan was dissolved by a decree of divorce vide judgment and decree dated 23.06.2016. Thereafter, the petitioner's brother legally wedded one Tharadevi and out of wedlock they have male child and there are residing at Island.

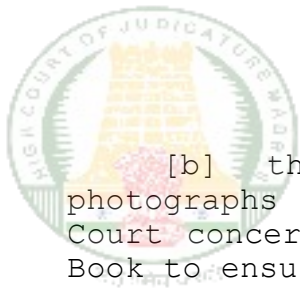
4. The learned counsel for the Intervenor submits that the husband of the defacto complainant has not settled any amount and hence she filed a petition alleging DVC proceedings as well as claiming maintenance for herself and her child and there is an arrear of maintenance for more than Rs.3,00,000/-. Further he submits that the husband is not co-operating with the any proceedings.

5.The learned Additional Public Prosecutor submits that the petitioner made dowry harassment and threatened the defacto complainant by using filthy language.

6. Considering the facts and circumstances, the petitioner already filed a HMOP petition and in the year of 2015, there is a dispute of assault and the minor child is now under the custody of the defacto complainant. Considering the aforesaid facts, this Court is of the view that the petitioner can be granted anticipatory bail subject to depositing part of the arrears of Rs.1,00,000/- to the credit of M.C.No.8 of 2016.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Ambattur, on condition that the petitioner shall execute a 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 and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of M.C.No.8 of 2016 before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.1,00,000/- on proper identification and acknowledgment;



[b] the petitioner 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;

WEB COPY [c] the petitioner shall report before the respondent police as and when required for an interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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;

-sd/-

24/01/2022

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 III ADDITIONAL FAMILY COURT,
CHENNAI

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMBATTUR, CHENNAI.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. P.R.THIRUNEELAKANDAN Advocate on payment of
necessary charges

CC to M/S. R.BALAKRISHNAN Advocate on payment of necessary
charges Sr.1109

CRL OP.22484/2021

Date :24/01/2022

RVR 01/02/2022