



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

Monday, the Tenth day of January Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.23801 of 2021

and CRL.MP.No.173/2022

ANOOP

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
INSPECTOR OF POLICE,  
ERODE TALUK POLICE STATION,  
ERODE DISTRICT  
(CRIME NO.362/2021)

[ RESPONDENT ]

D.DHIVYA SHARONA

..PETITIONER/INTERVENER/DE-FACTO  
COMPLAINANT ORDERED AS PER ORDER OF  
THIS COURT DATED 10/01/2022 MADE  
IN CRL.MP.No.173/2022

For Petitioner : M/S.D.SELVARAJU Advocate

For Respondent : Mr.S.BALAJI, Government Advocate (Crl. Side)

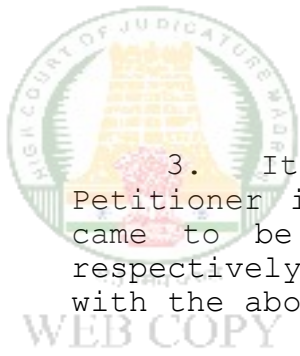
For Intervenor : M/S L.INFANT DINESH Advocate

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

ORDER : The Court Made the following order :-

Petitioner, who apprehends arrest at the hands of the Respondent Police for the alleged offence under Sections 498(A), 406, 420 and 506(i) I.P.C. in Crime No.362 of 2021 on the file of the Respondent Police, seeks Anticipatory Bail.

2. The case of the prosecution is that, the Petitioner, who is arrayed as A1 married the defacto complainant in the year 2010 and they have a female child through the wedlock. Due to misunderstanding, the couple were living separately for four years and the Petitioner refused to return the jewels to the defacto complainant and threatened her with dire consequences. Hence, the defacto complainant filed a complaint against the Petitioner for the offence under Sections 498(A), 406, 420 and 506(i) I.P.C.



3. It is seen that, Anticipatory Bail Petitions filed by the Petitioner in Crl.O.P.No.15569 of 2021 and Crl.O.P.No.17640 of 2021 came to be dismissed by orders dated 31.08.2021 and 07.10.2021, respectively. For the third time, the Petitioner is before this Court with the above Petition.

4. Mr.D.Selvaraju, learned counsel for the Petitioner submitted that, the present Anticipatory Bail Petition was filed on 25.11.2021 and it was taken up for hearing on 09.12.2021, on which date, the defacto complainant appeared before this Court virtually and vehemently objected to grant of Anticipatory Bail to the Petitioner. After hearing the learned counsel for the parties as also the Government Advocate (Criminal Side), this Court suggested as to whether there is a possibility of amicable settlement between the parties for return of jewels.

5. Learned counsel for the Petitioner further submitted that, in the meanwhile, the defacto complainant filed a Petition in Crl.O.P.No.24867 of 2021 before this Court seeking a direction to the Respondent Police to transfer the investigation of the case in Crime No.362 of 2021 from the file of the 2<sup>nd</sup> Respondent/Inspector of Police, Rangampalayam Police Station, Erode to CBCID. However, suppressing the pendency of the third Anticipatory Bail Petition filed by the Petitioner herein, the defacto complainant obtained an order dated 17.12.2021, whereby, this Court transferred the investigation in Crime No.362 of 2021 to the file of the All Women Police Station, Erode. This Court further directed the 2<sup>nd</sup> Respondent Police to take all earnest steps to secure the Petitioner/A1, whose Anticipatory Bail Petition has been rejected twice. Immediately thereafter, the Petitioner herein was secured and remanded to judicial custody on 30.12.2021.

6. It is further stated by the learned counsel for the Petitioner that, the Petitioner filed Crl.M.P.No.12374 of 2021 before the Additional Mahila Court, Erode, seeking bail. Learned counsel contended that, the Trial Court, without assigning proper reasons, simply rejected the Petitioner's Application that, the Investigating Officer had taken up the case for investigation only on 29.12.2021. Aggrieved by the same, the Petitioner filed another Bail Application in Crl.M.P.No.119 of 2022 before the Principal District Court, Erode and the matter is listed for hearing on 12.01.2022. Hence, learned counsel for the Petitioner prayed that, this Court may issue a direction to the learned Principal District Judge, Erode to take up the said Bail Application filed by the Petitioner, after giving him an opportunity of hearing and pass appropriate orders, by taking note of the fact that, the services of the Petitioner, who is a Post-graduate Doctor, requires to be utilized on account of COVID-19 pandemic.



7. On the other hand, Mr.L.Infant Dinesh, learned counsel appearing for the defacto complainant/Intervenor submitted that, when Crl.O.P.No.24867 of 2021 seeking transfer of the investigation in Crime No.362 of 2021 to the file of the All Women Police Station, Erode was listed for hearing on 17.12.2021, the counsel on record was not available and only the junior counsel represented the case and sought adjournment. However, taking note of the fact that, the Anticipatory Bail Petitions filed by the Petitioner came to be rejected twice, the Court allowed the said Petition and thereafter, the Petitioner was secured and remanded to judicial custody.

8. Learned Government Advocate (Criminal Side) submitted that, he was not apprised of the pendency of the Petitioner's Anticipatory Bail Petition before this Court when the Direction Petition in Crl.O.P.No.24867 of 2021 was taken up for hearing.

9. Heard the learned counsel for the parties and perused the material documents available on record.

10. In view of the change in circumstances, the question of granting Anticipatory Bail to the Petitioner does not arise, as he is already in judicial custody. However, this Court, without expressing any opinion, directs the Principal District Judge, Erode to take up the Bail Petition filed by the Petitioner herein in Crl.M.P.No.119 of 2022 for hearing on 12.01.2022 and dispose of the same preferably on the same day, after hearing the Petitioner herein.

This Criminal Original Petition is disposed of accordingly.

-sd/-

10/01/2022

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 PRINCIPAL DISTRICT JUDGE,  
ERODE.

2 INSPECTOR OF POLICE,  
ERODE TALUK POLICE STATION,  
ERODE DISTRICT



3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.D.SELVARAJU Advocate on payment of necessary charges

CRL OP.23801/2021

and CRL.MP.No.173/2022

Date :10/01/2022

RVR 11/01/2022