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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.23649 of 2021

R.Sathya

W/o.Dinesh kumar

... Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Barugur, Krishnagiri District.
(Crime No.4 of 2020)

2.R.Dinesh Kumar

3.R.Chandra

4.R.Karthik

... Respondents

Prayer: Criminal Original Petition filed under Section 439(2) of Cr.P.C. to cancel the bail granted to the accused by the learned Principal District and Sessions Judge, Krishnagiri in CrI.M.P.No.2481 of 2020 dated 22.12.2020.

For Petitioner : Mr.R.Thanigai Arasu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1

: No Appearance for R2 to R4

O R D E R

This Criminal Original petition has been filed to cancel the bail granted to the accused in C.M.P.No.2481 of 2020 dated 22.12.2020 on the file of the learned Principal District and Sessions Judge, Krishnagiri

2. The learned counsel for the petitioners has submitted that while granting anticipatory bail to the petitioners in CrI.Misc.No.10288 of 2019, the 2nd respondent herein gave the



particular about the petitioner by fraudulently mentioning her name as Sandhya instead of Sathya. Thereafter, they obtained anticipatory bail and at that time, they does not lodged any complaint against her. Subsequently, in CrI.Misc.No.4113 of 2020 dated 14.10.2020, they obtained another anticipatory bail order mentioning the name as Sandhya instead of Sathya. He further submits that her husband knowing fully gave the wrong information and obtained two anticipatory bails. Hence, he prayed to cancel the bail to the respondents herein.

3. Notice was issued to the respondents and to that effect AOS was also filed on 20.12.2020. On perusal of the records it reveals that notice was served and nobody appeared on the side of the respondents herein. The respondents 2 to 4 obtained an order of stay in CrI.OP.No.4247 of 2021 to quash the proceedings and the same is pending before this Court and there was no progress in the FIR also and they have neither participated in the investigation nor in the matrimonial dispute.

4. Per contra, the learned Additional Public Prosecutor would submit that the petitioner has committed a very serious offence.

5. Considering the facts and circumstances of the case it reveals tht on 19.08.2019, within two months from the marriage, they got separated due to the dowry harassment. Thereafter, the 2nd respondent herein filed a divorce petition in MC.No.6381 of 2019 before the Principal Family Judge, Bangalore on the ground of cruelty. Meanwhile, the petitioner appeared for the hearings regularly but the respondents was not at all appeared and by giving a false information they obtained two anticipatory bails. The reason given by the petitioner is justifiable one. Hence, this Court finds that this Criminal Original Petition is allowed.

6. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

drl



To

1. The Principal District and Sessions Judge,
Krishnagiri.

2. The Inspector of Police,
All Women Police Station,
Barugur, Krishnagiri District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Thanigai Arasu, Advocate SR.No.336 (22/02/2022)

Cr1.O.P.No23649 of 2021

SPD(CO)
GN(01/02/2022)