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Crl.O.P.No.26250 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 07.12.2023

Pronounced on : 18.12.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.26250 of 2023

and

Crl.M.P.No.18958 of 2023

V. Selva Vignesh
Petitioner/A1

...

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Villivakkam, Chennai.
Respondent/Complainant

...

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C.,
prayed to enlarge the petitioner on anticipatory bail in Crime No.15 of 2023
pending investigation before the respondent police.

For Petitioner : Ms. D. Kamatchi

For Intervener : Mr. C. Kathirudhayan



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For Respondent : Mr. R. Vinothraja
Govt. Advocate (Crl. Side)

ORDER

The petitioner/A1 seeks anticipatory bail in Crime No.15 of 2023 registered by the respondent police for the offences under Sections 498-A and 506(i) of IPC.

2.This is the second anticipatory bail petition filed by the petitioner. The first anticipatory bail petition had been dismissed by an order dated 19.10.2023 in Crl.O.P.No.15381 of 2023.

3.The learned counsel for the petitioner stated that the petitioner is an innocent person and he had been falsely implicated in Crime No.15 of 2023 registered by the respondent Police for the offence under Sections 498-A and 506(i) IPC, on a complaint given by the defacto complainant, who is the wife of this petitioner/A1 herein. Thus, she seeks anticipatory bail to the petitioner.



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4. It is the contention of the learned counsel for the petitioner that there had been several rounds of counselling done between the petitioner and the defacto complainant and statements had been recorded by the Social Welfare Officer. It is also stated that the petitioner had also appeared for enquiry. It is contended that the demand for dowry is a totally false. It is also alleged that the defacto complainant has some psychiatric problem. There was no child born to the defacto complainant and this petitioner. It is stated that the instrumental person behind this complaint is the father of the defacto complainant. It is further stated that, he had committed assault on this petitioner herein in public leading to registration of a First Information Report, the final report of which was taken on file in C.C.No.2391 of 2023. She further submitted that this entire case is a false case.

5. On the other hand, the learned counsel for the defacto complainant who entered by way of an intervening petition stated that the demand of dowry is actually true and had also filed bills to show the purchase of silver articles and also filed a report giving the injuries suffered by the defacto complainant. It is contended that there has been a series of complaints made over the demand of dowry and that since dowry was not



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handed over, assaults had been committed against the defacto complainant.

6. The learned Government Advocate (Criminal side) submitted a status report, wherein it had been stated that investigation could never proceed and there is a possibility of the petitioner absconding the judicial process. It is contended that all the facts will have to be verified and therefore, the presence of the accused is very much required. During the oral submissions, the learned Government Advocate (Criminal side) also stated the defacto complainant had on one occasion inflicted wounds on herself and had tried to commit suicide. It is therefore strongly objected for the grant of anticipatory bail to the petitioner.

7. I have carefully considered the arguments of the learned counsel for both sides.

8. The marriage between this petitioner and the defacto complainant had taken place on 27.08.2021. No child has been born to them. There had been a series of complaints of harassment as against the accused by the defacto complainant. There was also a counter complaint, wherein this petitioner herein had alleged that he was assaulted in public by the father of



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the defacto complainant.

9. Considering the above facts, this Court had dismissed the earlier anticipatory bail petition filed by the petitioner, but had granted anticipatory bail to A2 and A3, who are parents of the petitioner herein.

10. The learned counsel for the petitioner reiterated the same arguments and complained that the defacto complainant has indulged in filing a false complaint.

11. The learned counsel for the intervenor, however, stated that the jewels and other articles handed over by the defacto complainant should be returned back by this petitioner.

12. The facts reveal that there is continuous and ongoing dispute between the accused and the defacto complainant. It is only appropriate that the investigation is completed, to facilitate trial to commence, which would give an opportunity to the defacto complainant to tender evidence to assist the prosecution to establish the allegations beyond all reasonable doubt.



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13. It is also seen that several rounds of counselling had been done between the petitioner and the defacto complainant and the statements had been recorded by the Social Welfare Officer.

14. I would give an opportunity to the petitioner herein to participate in the investigation and enquiry process by the respondent.

15. In view of that fact, I would grant anticipatory bail to the petitioner herein and on further conditions:

[a] The petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Additional Mahila Court, Egmore, Chennai, 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, failing which, the petition for anticipatory bail shall stand dismissed.

[b]. The petitioner 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.



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[c] The petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders from the date on which sureties are executed.

[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 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

16. Consequently, connected Criminal Miscellaneous Peition is closed.

18.12.2023

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Index: Yes / No

Neutral Citation: Yes / No

Speaking order : Yes / No



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C.V.KARTHIKEYAN, J.

smv

To,

1. The Additional Mahila Court, Egmore, Chennai.
2. The Inspector of Police,
All Women Police Station,
Villivakkam, Chennai.
3. The Public Prosecutor,
High Court of Madras.

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