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Crl.O.P.No.30625 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30625 of 2024

1.S.Subramaniam
2.S.Valliammal
3.K.PL.Chidambaram

.... Petitioners

Vs

State rep. by
The Inspector of Police,
W-28, AWPS-Ambattur,
Chennai – 600 053
(Crime No.19/2024)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 19 of 2024 pending on the file of the respondent police.

For Petitioner : Mr.K.Balasubramaniam
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.19 of 2024 registered for the offences punishable under Sections 498(A) and 406 of IPC, the present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution as per the defacto complainant Muthaiya Ravi is that his daughter was married to the first accused on 06.02.2022 at Karaikudi. It is further alleged that, at the time of marriage, a dowry of Rs.10 lakhs cash, 80 sovereigns of gold jewels and other household articles were given. After the marriage, the accused and his daughter settled in USA. It is further alleged that the petitioner abused the daughter of the defacto complainant and committed matrimonial cruelty and the other accused have abetted him.

3. Pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He would submit that, after marriage, the first accused and his daughter settled in USA and due to some misunderstanding, there was a matrimonial dispute and the first petitioner and the defacto complainant obtained divorce by mutual consent before USA Court. He would further submit that the parties have reached an agreement, under which, the petitioner, who is currently in USA, has agreed to come to India and return the articles belonging to the defacto complainant's daughter, who is also presently in USA.



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4. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the first petitioner is the husband and in the complaint given by the father-in-law, it is alleged that the accused harassed and caused matrimonial cruelty to his daughter leading to the case being registered as Crime No.19 of 2024 under Section 498 (A) and 406 of IPC. Further, he submitted that the investigation has been completed and the final report has been filed before the Judicial Magistrate, Ambattur and the same is yet to be taken on file. He also submits that the second and third petitioners are not named as accused in the final report.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of three weeks from the date of receipt of a copy of this order, before the learned Judicial



Magistrate, Ambattur, on condition that the petitioners 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of three weeks this Order shall stand automatically cancelled;

[b] the petitioners shall report before the Judicial Magistrate, Ambattur for a period of one week and thereafter, on the dates to be fixed by the learned Judicial Magistrate ;

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];



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[f] If the accused thereafter absconds, a fresh FIR

can be registered under Section 269 of BNS.

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Index : Yes/No

Internet : Yes/No

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To

1.The Inspector of Police,
W-28, AWPS-Ambattur,
Chennai – 600 053

2.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J,

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