

Crl.O.P.No.10213 of 2016**P.KALAIYARASAN, J.**

The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 506(ii) IPC in Crime No.11 of 2016 on the file of the respondent and seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is the husband of the defacto complainant said to have assaulted and harassed her, due to which a case has been registered.

3.Heard both sides.

4.Learned counsel appearing for the petitioner would submit that the petitioner is innocent of the offences and already divorce as well as Restitution of Conjugal Rights Petitions have been filed by the parties in the months of January and March 2016 respectively and this complaint is only subsequent to the above matrimonial dispute, i.e., 24.04.2016 and also he is having permanent residence and therefore, the learned counsel for the petitioner pleaded for grant of anticipatory bail.

5.The learned Additional Public Prosecutor opposed the petition by contending that the investigation is not yet over. He, however,concedes that even prior to the lodging of the said complaint, the matrimonial dispute was pending between the parties.

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6. Considering the fact that this complaint has been lodged subsequent to the matrimonial disputes coupled with further fact that the petitioner is having permanent residence and also considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned II Metropolitan Magistrate, Egmore and on executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of three weeks from the date on which the order copy made ready, failing which, the petition for anticipatory bail stand dismissed.

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05.05.2016

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