

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN

CRIMINAL ORIGINAL PETITION No.5322 of 2017

VETRIMANI

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SETHIYATHOPPU,
CR.NO.NOT KNOWN OF 2017

[RESPONDENT]

For Petitioner : M/S.G.KADHIRESAN Advocate

For Respondent : MR. R.SEKAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 498(A), 506(i)IPC r/w Section 4 of Women Harassment Act, in Crime No.not known of 2016 on the file of the respondent police, seeks the relief of anticipatory bail.

2.The case of the prosecution is that this case pertains to a family dispute and the de-facto complainant was harassed by the petitioner and she was driven from her matrimonial home. When the same was questioned, the petitioner abused and threatened her. Hence, this complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the husband of the defacto complainant. The marriage between the petitioner and the defacto complainant took place on 26.06.2016 and subsequently, due to misunderstanding between them, they are living separately. Further, he submitted that the petitioner has already filed a permission petition I.A.No.28 of 2017 in unnumbered HMOP before the Principal Subordinate Judge, Virudhachalam for divorce and the same is pending. On receipt of the summon, in the same the complainant has lodged the complaint making false allegation against the petitioner. He also submitted that a false complaint has been foisted against the petitioner.

4. The learned Government Advocate(crl.side) concedes that there is a matrimonial dispute between the petitioner and the defacto complainant and a divorce petition has been filed by the petitioner and the same is pending. The petition enquiry was conducted in C.S.R.No.65 of 2017.

5. Considering the facts and circumstances of the case and taking note of the fact that this case pertains to family dispute and the divorce petition filed by the petitioner is pending before the Principal Sub Judge, Virudhachalam,, this Court is of the view that there is no need of custodial interrogation for the petitioner and therefore, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before **the learned Judicial Magistrate, Chedhambaram**, within a period of 15 days from the date of receipt of a copy of this order, on his executing a separate 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, or to the satisfaction of the respondent police or the Police Officer, who intends to arrest and on further condition that the petitioner shall appear before the **respondent police daily at 10.30 a.m., for a period of two weeks** and thereafter, as and when required for interrogation.

-sd/-
22/03/2017

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 JUDICIAL MAGISTRATE,
CHEDHAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SETHIYATHOPPU.

5 THE PRINCIPAL SUB JUDGE,
VIRUDHACHALAM.

+1CC to M/S.G.KADHIRESAN Advocate on payment of necessary
charges SR NO.17813

CRL OP.5322/2017

Date :22/03/2017

MK:27/03/2017