

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of January Two Thousand Seventeen

PRESENT

The Hon`ble Ms. Justice R.MALA

CRIMINAL ORIGINAL PETITION No.738 of 2017

SRI HARI

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY
INSPECTOR OF POLICE,
W-30, ALL WOMEN POLICE STATION,
POONAMALLEE,
CHENNAI 600 056
CR.NO. 03 of 2016.

[RESPONDENT]

For Petitioner : M/S.N.CHINNARAJ Advocate

For Respondent : MR. B. RAMESH BABU, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 406,506(i),420 IPC, and Section 4 of Dowry Prohibition Act in Crime No.3 of 2016 on the file of the respondent police and hence, prays for anticipatory bail.

2. Today, the petitioner, defacto complainant, who is deaf and dumb and her mother viz., Shanmughasundari are present. There was a mediation held on 19.08.2016 and in pursuance of the mediation, agreement application under Section 13-B Hindu Marriage Act has been filed and consent divorce application has been filed on that day, which was admitted and permanent alimony has not been paid, so it was withdrawn and yet to be numbered. Thereafter, the petitioner/accused has come forward with this anticipatory bail.

3. Today, both the parties are present and the petitioner has given Demand Draft for Rs.2,00,000/-. After receiving the same,

the defacto complainant and her mother have no objection to grant anticipatory bail to the petitioner. Further the defacto complainant's husband undertakes to give the demand draft for Rs.1,00,000/- on the date of examination and recording of evidence at the time of hearing Section 13-B consent divorce application.

4. Considering the rival submissions made by both sides and also considering the fact that the defacto complainant and her mother have no objection to grant anticipatory bail to the petitioner, I am inclined to grant anticipatory bail to the petitioner, with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned [*]Judicial Magistrate -I, Poonamalli 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 report before the Court concerned daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

-sd/-
25/01/2017

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.

[*] Amended and Petitioner shall execute bail bond within 15 days as per the order of this court, dated 25.01.2017 in Crl.OP.No.738 of 2017 from the date of receipt of amended order copy as per order of this court dated 23/02/2017 in Crl.Mp.2623 of 2017 IN CRL.OP.NO.738 OF 2017 BY THE HON`BLE DR. JUSTICE P. DEVADASS

TO

**[*]1 THE JUDICIAL MAGISTRATE-I,
POONAMALLI, THIRUVALLUR**

1 THE JUDICIAL MAGISTRATE,
POONAMALLI, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR, [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
W-30, ALL WOMEN POLICE STATION,
POONAMALLEE,
CHENNAI

+1CC to M/S.N.CHINNARAJ Advocate on payment of necessary charges SR. NO.3723

CRL OP.738/2017

Date :25/01/2017

EGR 2/02/2017

EGR 27/02/2017