

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Thursday, the Second day of March Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice P. DEVADASS

CRIMINAL ORIGINAL PETITION No.3770 of 2017

M.VARADHARAJAN,

[ PETITIONER / ACCUSED ]

Vs

STATE REP. BY  
INSPECTOR OF POLICE,  
ALL WOMENS POLICE STATION,  
UTHUKOTTAI, TIRUVELLORE DISTRICT.  
CR.NO.UNKNOWN OF 2017

[ RESPONDENT ]

For Petitioner : M/S.J.NAVEEN 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 :-

Petition for anticipatory bail.

2. Heard learned counsel for the petitioner and learned Government Advocate (Crl.Side).

3. Petitioner married his own uncle's daughter/defacto complainant. They were blessed with a child, but not with a happy married life. They are near relations. Both side families have strained relationship in connection with a property matter. in such circumstances, the defacto complainant literally left the matrimonial home and went to her parents' house with child.

4. Subsequently, HMOP No.42 of 2015 was filed seeking divorce and it is pending before the Family Court, Tiruvallur. In this background of the matter, on 12.02.2017, when the defacto complainant was in her father's brother's house, petitioner came and criminally intimidated her to sign in a paper agreeing for divorce. Hence, the complaint has been filed.

5. Learned counsel for the petitioner contended that already defacto complainant and her family are in inimical terms with the petitioner's family. There are money issues including a property issue. In the circumstances, the petitioner has been implicated in this case.

6. Now, their matrimonial case is pending before the Family Court, Tiruvallur. This matter does not require custodial interrogation. Arresting of couples will virtually result in destroying their family life [Also see **Arnesh Kumar Vs State of Bihar [2014 (8) SCC 273]**]. It would amount to adding fuel to fire.

7. Considering all the above aspects, I am inclined to grant him anticipatory bail.

8. Ordered as under:

(i) Anticipatory bail granted.

(ii) Petitioner shall surrender before the learned Judicial Magistrate, Uthukottai, Tiruvallur, within 15 days of receipt of a copy of the order;

(iii) Petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the said Magistrate;

(iv) Petitioner shall appear before the respondent police as and when required for interrogation.

-sd/-

02/03/2017

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,  
UTHUKOTTAI, TIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVALLUR[FORINFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 STATE REP. BY  
INSPECTOR OF POLICE,  
ALL WOMENS POLICE STATION,  
UTHUKOTTAI, TIRUVELLORE DISTRICT.

+1 CC to M/S.J.NAVEEN Advocate on payment of necessary charges  
SR.NO. 4090

CRL OP.3770/2017

Date :02/03/2017

RD 07/03/2017