

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

Monday, the Second day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.869 of 2018

SIVALINGAM [ PETITIONER / ACCUSED ]  
Vs

THE STATE, REPRESENTED BY [ RESPONDENT ]  
INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
WEST TAMBARAM, CHENNAI,  
CR.NO.49 OF 2016.

For Petitioner : MR.KARTHIKEYAN, Advocate FOR  
M/S.MADHURI DONIT REDDY Advocate

For Respondent : M/S.KRITIKA KAMAL.P, 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 for the alleged offences under Sections 498-A, 406, 323, 312 and 506(i) IPC in Crime No.49 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. This is the second anticipatory bail petition. The first anticipatory bail petition filed in Crl.OP.No.25651 of 2016 has been dismissed by this Court on 30.08.2017, as against this petitioner alone, whereas, this Court has granted anticipatory bail to the co-accused.

3. Mr.R.Karthikeyan, learned counsel for the petitioner/accused submitted that the investigation is almost completed.

4. The learned Government Advocate (Crl. Side) conceded on this aspect.

5. Under normal circumstances, this Court would grant the relief of anticipatory bail for the offence under Section 498-A IPC, especially, in the light of the law laid down in **Arnesh Kumar vs. State of Bihar and another [(2014) 8 SCC 273]**, wherein, the Supreme Court has noticed the tendency of the complainant to implicate all the family members of the husband's family. The facts of this case are little different.

6. In Paragraph No.2 of the order dated 30.08.2017 made in Crl.OP.No.25651 of 2016, this Court has noted as follows:

"On a reading of the complaint, it is seen that Anusha got married to Sivalingam (A1) and it is alleged that Sivalingam (A1) was addicted to liquor and that he would thrash the de facto complainant after consuming liquor. It is specifically averred in the complaint that on 16.01.2016, their family decided to go to Tirupathi and Sivalingam (A1) was in such a drunken stupor that he was denied entry to the Tirumala Temple and therefore, the de facto complainant had to return without having darshan. It is further alleged in the complaint that the de facto complainant became pregnant and because of the beatings suffered by her at the hands of her husband Sivalingam (A1), it became a miscarriage."

7. From the above, it is seen that the petitioner took the de facto complainant to Tirumala Temple and since he was fully drunk, he was not permitted to have dharshan. That apart, the de facto complainant had also suffered miscarriage, on account of the beatings she suffered at the hands of the petitioner. Under such circumstances, this is not a fit case to grant anticipatory bail to the petitioner. Hence, this petition stands dismissed.

-sd/-  
02/07/2018

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 INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
WEST TAMBARAM, CHENNAI.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.MADHURI DONIT REDDY Advocate on payment of necessary charges

CRL OP.869/2018

Date :02/07/2018

MLT-06/07/2018