

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20872 of 2018

S.D.ANEESH KUMAR,

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
W-27, STATION, VADAPALANI,
CHENNAI-600 026.
CR.NO.13 OF 2018.

[RESPONDENT]

For Petitioner : M/S.K.PASUPATHY Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the offences punishable under Sections 498A and 406 IPC in Crime No.13 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the husband of the defacto complainant and their marriage took place on 11.07.2016. The further case of the prosecution is that the petitioner demanded more jewels and money from the defacto complainant and had driven her out of the matrimonial house, for which the present complaint has been lodged by the defacto complainant.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution and that the defacto complainant has given a false complaint against the petitioner. He further submitted that already matrimonial dispute is pending between the parties before the Family Court and the matter has been referred to Lok adalat.

4. The learned Additional Public Prosecutor submitted that due to family dispute the defacto complainant had given the present complaint against the petitioner and the investigation is still pending.

5. Considering the nature of allegations against the petitioner in this case and the fact that the matrimonial dispute is pending between the parties before the Family Court, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the XVII Metropolitan Magistrate, Saidapet, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

06/09/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

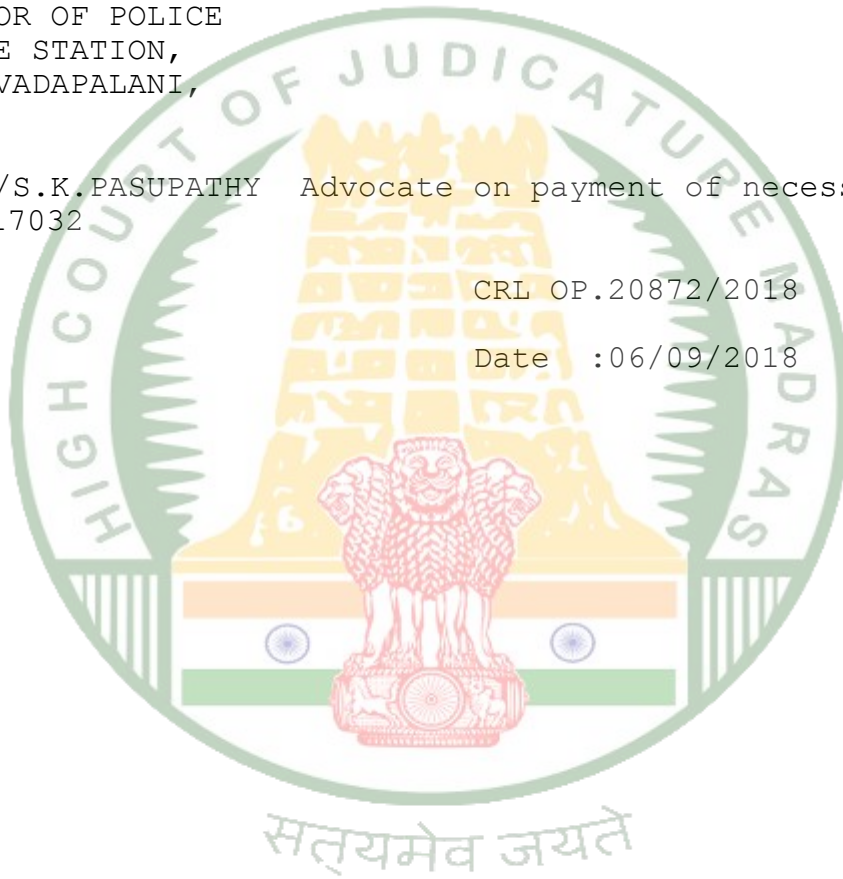
4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
W-27, STATION, VADAPALANI,
CHENNAI-26,

+1 CC to M/S.K.PASUPATHY Advocate on payment of necessary
charges SR.NO. 17032

CRL OP.20872/2018

Date :06/09/2018

TA-14/09/2018



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