

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.14744 of 2018

1 J.JAGADEESAN,
2 JEYACHANDRAN,
3 KANAGI,

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ASHOK NAGAR,
CHENNAI. CR.NO.5 OF 2018

[RESPONDENT]

For Petitioner : M/S.K.SUNDARARAJ Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.5 of 2018 registered by the respondent police for the offence punishable under Sections 498(A), 406, 507 and 294(b) of IPC.

2. The case of the prosecution as per the *de facto* complainant Rasiha, is that she got married to the first petitioner on 30.10.2014. The further allegation is that the first petitioner got illicit intimacy with some other lady and started to harass the *de facto* complainant and sent her out of the matrimonial home. The allegation against the petitioners 2 and 3 is that they have assisted the first petitioner in harassing the *de facto* complainant.

3. The learned counsel for the petitioners would submit that there was misunderstanding between the first petitioner and the *defacto* complainant and that the *de facto* complainant deserted the first petitioner and left the matrimonial home and thereafter, the first petitioner has also filed a petition for restitution of conjugal rights in O.P.No.2875 of 2017 and that the Court has ordered for counselling. While so, a false complaint has been given by the *de facto* complainant against the petitioners as if they had harassed her. Therefore, they may be granted anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the first petitioner and the *de facto* complainant got married on

30.10.2014 and the first petitioner developed illegal intimacy with some other woman and thereby, harassed the *de facto* complainant and driven her out of the matrimonial home.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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 said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent police daily at 5.30 p.m until further order and the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

06/06/2018

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 METROPOLITAN MAGISTRATE,
NO.XXIII, 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,
ASHOK NAGAR, CHENNAI.

+1 CC to M/S.K.SUNDARARAJ Advocate on payment of necessary
charges-Sr.10036

CRL OP.14744/2018

Date :06/06/2018

ths : 08.06.2018