

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of November Two Thousand Eighteen

PRESENT

The Hon'ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.25340 of 2018

B.BALANATHAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDACHALAM, CUDDALORE DIST.
CR.NO.21 OF 2018

[RESPONDENT]

For Petitioner : M/S.T.V.G.KARTHEEBAN Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 420, 498 (A), 294(b), 506(i) of IPC, in Crime No.21 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the 1st petitioner is the husband of the defacto complainant and the other petitioners are the in-laws of the defacto complainant. The marriage of the 1st petitioner and the defacto complainant was solemnized on 22.01.2018. Thereafter, there was a family dispute between the first petitioner and the defacto complainant stating that the 1st petitioner is an impotent and thereby the petitioners have cheated the defacto complainant and arranged for a marriage and they have also demanded additional dowry from the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner would submit that the earlier anticipatory bail application of the petitioner filed before this Court in CrI.O.P.No.21756 of 2018 was dismissed by an order dated 07.09.2018. The change of circumstance for this anticipatory bail is that the defacto complainant has also lodged another complaint before the W-31, All Women Police Station, St. Thomas Mount, which was forwarded to the Social Welfare Officer for further enquiry, and the same has been observed by this Court in CrI.O.P.No.16418 of 2018, by an order dated 09.08.2018, in which this Court has directed the petitioner to co-operate for further enquiry.

Hence, a case has been registered as against the petitioner by the respondent police.

4.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. There is no specific overtact against him. Accordingly, he prays for grant of anticipatory bail.

5.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner cheated the defacto complainant by suppressing the fact that he is an impotent, and unfit for married life. No other case is pending as against the petitioner.

6.Considering the above facts and circumstances of the case, and as the defacto complainant has also filed another complaint before the respondent police viz., St.Thomas Mount Police Station, in which this Court has directed the petitioner to appear before the Social Welfare Officer and to co-operate for further enquiry and also this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Allikulam, Egmore, Chennai-600 003, 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 / Trial Court 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 for a period of two weeks and thereafter as and when required.

-sd/-

15/11/2018

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 ADDL. MAHILA COURT,
ALLIKULAM, EGMORE, CHENNAI-600 003.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

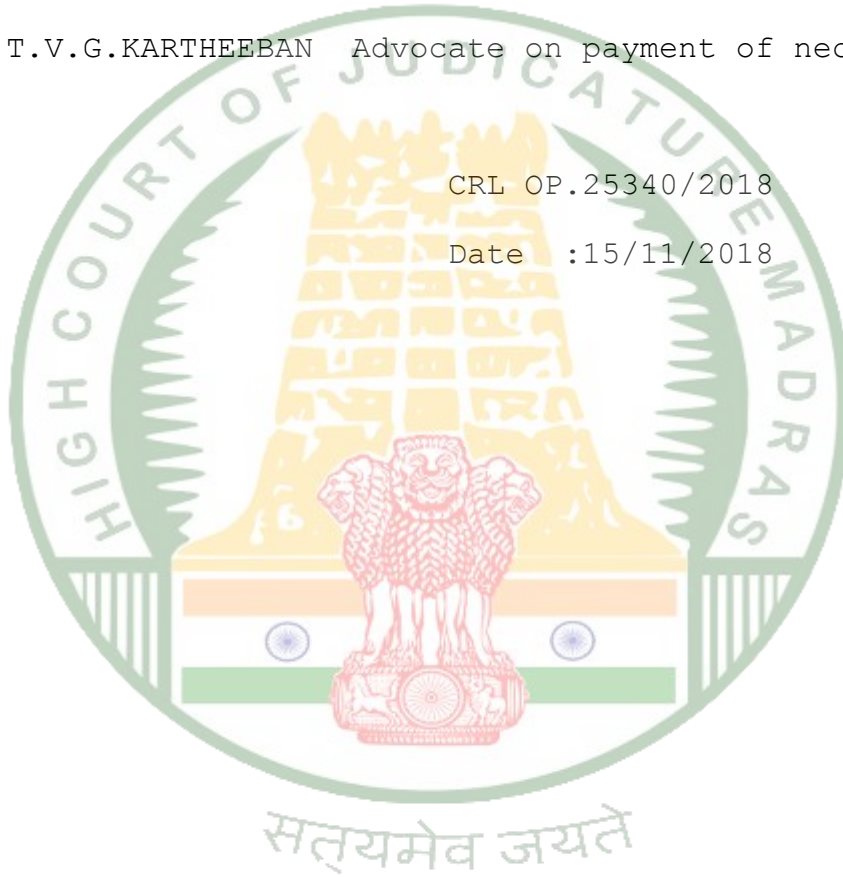
3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDACHALAM, CUDDALORE DIST.

+1 CC to M/S.T.V.G.KARTHEEBAN Advocate on payment of necessary
charges-Sr.21602

CRL OP.25340/2018

Date :15/11/2018

ths : 20.11.2018



WEB COPY