

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.12947 of 2019

K.SENTHILKUMAR

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
ALL WOMEN POLICE STATION,
DHARAPURAM,
TIRUPPUR DISTRICT.
CR.NO.2 OF 2019

For Petitioner : M/S.C.S.SARAVANAN Advocate

For Respondent : MR. S.THANKIRA, 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 at the hands of the respondent police for the offences punishable under Sections 323 & 498(A) of IPC in Crime No.2 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has given a complaint against the petitioner stating that the petitioner is having illicit relationship with other lady and also doubted her character and abused her and made life threat. Hence the complaint.

3. The learned counsel for the petitioner would submit that they have been blessed with a female child aged about 18 years and one male child aged about 14 years and they are living with the petitioner. The allegations that the petitioner is doubting the character of the wife, is denied by the petitioner. The defacto complainant used to stay away from the matrimonial home and when it was questioned by the petitioner, dispute arises between the parties and therefore, the defacto complainant went out of matrimonial home and lodged a complaint and initiated proceedings in H.M.O.P.No.41 of 2019 before the Sub Court, Dharapuram, and the petitioner denies all the allegations levelled against him.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner abused and threatened the defacto complainant. Hence, she vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case that no serious allegations against the petitioner by the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner. 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 on which the order copy made ready, before the learned Judicial Magistrate, Dharapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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, failing which, the petition for anticipatory bail shall stand dismissed 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 as and when required for interrogation.

[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].

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

-sd/-

15/05/2019

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,
DHARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, DHARAPURAM,
TIRUPPUR DISTRICT.

5 THE OFFICER INCHARGE,
SUB COURT, DHARAPURAM.

CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges Sr.9867

CRL OP.12947/2019

Date :15/05/2019

rvr 21/05/2019

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