

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.5428 of 2020

K.JAGANATH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE
S 5, CHOLAIMEDU POLICE STATION,
CHENNAI.
CR.NO.51/2020

For Petitioner : KANIMOZHIMATHI Advocate

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR

For Intervener : MR.SINGARAVELAN SENIOR COUNSEL FOR
M/S.SUJATHA ADVOCATE

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 publishable under **Sections 294(b), 323 and 506(ii) of IPC in Crime No.51 of 2020** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Padmapriya is that there was some serious matrimonial dispute pending between the petitioner and the defacto complainant and also with regard to custody of the child. While so, on 02.01.2020, the petitioner along with other accused, trespassed into the house of the defacto complainant and assaulted her and also assaulted her mother and grandmother. Further, the petitioner has demanded Rs.50 lakhs or otherwise threatened that he would not allow her to live peacefully and also threatened to kidnap the child. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that there are matrimonial and custody litigations pending between the defacto complainant and the petitioner. This court in O.P.No.1047 of 2018, had granted interim custody of the child to the petitioner. But, the defacto complainant had committed contempt by disobeying the order of the Court. However, in order to escape from the contempt action, the defacto complainant has given a false complaint against the petitioner. Hence, she prays for grant of anticipatory bail to the

petitioner.

4. The learned Counsel for the intervenor submitted that the petitioner threatened the defacto complainant, her mother and grandmother and assaulted them and also threatened to kidnap the child and that he also demanded a sum of Rs.50 lakhs. He further submitted that the defacto complainant has no objection for the grant of anticipatory bail to the petitioner however, he submitted that the petitioner may be directed to give a written undertaking that he would not disturb the defacto complainant or trespass into the house of the complainant.

5. At this juncture, the learned Counsel for the petitioner submitted that the petitioner did not trespass into the house of the defacto complainant and that that allegations are totally false.

6. The learned Additional Public Prosecutor submitted that there was a matrimonial dispute between the petitioner and the defacto complainant due to which, on 02.02.2020, the petitioner along with his friend, trespassed into the house of the defacto complainant and attempted to kidnap the child. Hence, he opposed for the grant of anticipatory bail to the petitioner.

7. Taking into consideration, the facts and submissions of the learned Counsel, this Court deems it appropriate to grant anticipatory bail to petitioner subject to the following conditions;

8. 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 XXII Metropolitan Magistrate, Egmore, Chennai** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with 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]**.

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

-sd/-

12/03/2020

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,
XXII, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
S 5, CHOOLAIMEDU POLICE STATION,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT MADRAS

+1 CC to KANIMOZHIMATHI Advocate on payment of necessary charges SR.NO. 5020

CC to M/S.SUJATHA Advocate on payment of necessary charges SR.NO.

CRL OP.5428/2020

Date :12/03/2020

RD 20/03/2020