

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.112 of 2021

Maneesh Bomb

... Petitioner

Vs.

The State rep. by
The Inspector of Police
W24, All Women Police Station,
Teynampet
Chennai District.
Crime No.7 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No.7 of 2020, on the file of the Respondent police.

For Petitioner : Mr.S.Nambi Arooran

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 498(A), 506(2), 324 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998, in Crime No.7 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner and the de-facto complainant took place in the year 1998 and out of their wedlock, they have two children. The allegation is that the petitioner has continuously harassed the de-facto complainant demanding dowry and also threatened the de-facto complainant and her children by suspending the internet connection, thereby, they were unable to attend online class. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the marriage between the petitioner and the de-facto complainant took place during the year 1998 and they got two children. The allegation is that the petitioner continuously harassed the de-facto complainant demanding dowry. Hence, he opposed to grant anticipatory bail to the petitioner.

5. On a perusal of records, it is seen that the marriage between the petitioner and the de-facto complainant took place in the year 1998 and after a long period, the complaint has been filed alleging dowry demand. It is also stated that the children are well grown.

6. Considering the above facts and circumstances of the case and also it is a case of matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 XVIII Metropolitan Magistrate, Chennai, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
11/01/2021

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.XVIII, SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W24 ALL WOMEN POLICE STATION,
TEYNAMPET, CHENNAI DISTRICT.

+1 CC to M/S.S.NAMBI AROORAN Advocate on payment of necessary charges SR.No.488

सत्यमेव जयते

CRL OP.112/2021

Date :11/01/2021

cs 22/01/2021

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