

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.297 of 2021

AND

CRL.MP.NO.2406 OF 2021

SHIVENDRA SAXENA

[PETITIONER / ACCUSED]

Vs

STATE BY
SUB-INSPECTOR OF POLICE,
W-26, ALL WOMEN POLICE STATION,
ASHOK NAGAR, CHENNAI - 83.

[RESPONDENT]

RANI SAXENA

..INTERVENOR/DEFACTO COMPLAINANT
ORDERED AS PER ORDER OF THIS COURT DATED
07/04/2021 MADE IN CRL.MP.NO.2406 OF 2021

For Petitioner : M/S.P.SIDHARTHAN Advocate

For Respondent : MR.K.PRABAKAR Additional Public Prosecutor

For Intervenor : M/S SOUNDAR VIJAY ARUL RAM, 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 alleged offence under Sections 415, 498A and 506(i) IPC. in Crime No.11 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a matrimonial dispute between the petitioner and the defacto complainant, the petitioner got married the defacto complainant in the month of January 2010. Thereafter, the petitioner started to harass the defacto complainant and demanded additional dowry. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is paying a sum of Rs.27,000/- per month to defacto complainant/his wife and daughter. At this juncture, the petitioner is ready and willing to pay a sum of Rs.40,000/-per month to the defacto complainant and his daughter on or before 10th of every month towards their maintenance. He would further submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel for the Intervenor has stated no objection for grant of anticipatory bail to the petitioner.

5. Heard the learned Additional Public Prosecutor appearing for the respondent police.

6.Considering the submission so made by the learned counsel for the petitioner, the petitioner is ready and willing to pay a sum of Rs.40,000/- per month on or before 10th of every month for maintaining wife and his daughter, 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 fifteen days from the date of receipt of a copy of this order, before the learned XVII Metropolitan Magistrate, Saidapet, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall pay a sum of Rs.40,000/- per month on or before 10th of every month for maintaining wife and his daughter.

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/04/2021

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 XVIII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
W-26, ALL WOMEN POLICE STATION,
ASHOK NAGAR, CHENNAI - 83.

+2 CC to M/S.P.SIDHARTHAN Advocate on payment of necessary charges SR.NO.4522

CRL OP.297/2021

AND CRL.MP.NO.2406 OF 2021

Date :07/04/2021

rvr 16/04/2021