

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Seventeenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2676 of 2021

JAGATHISH

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,
TIRUPATTUR ALL WOMEN POLICE STATION,
TIRUPATTUR DISTRICT
(CRIME NO.4 OF 2020)

For Petitioner : M/S.T.FENN WALTER ASSOCIATES Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 294 (b) and 506(2) of I.P.C and Section 4 of Dowry Prohibition Act. 1961 in Crime No.4 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the husband of the defacto complainant. It is alleged that the petitioner along with other accused harassed the defacto complainant and also abused her with derogatory words and also criminally intimidated her. Due to which the defacto complainant left the matrimonial home. Hence the complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner had not committed any offence as alleged by the prosecution and there was only some wordy quarrel between the first petitioner and the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that only due to the harassment made by the petitioner and the other accused the victim said to have left her matrimonial home. He further submits that the petitioner had filed a H.M.O.P. before the Sub-Court, Thirupathur and the same is pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the fact that the occurrence said to have taken place due to family dispute and the petitioner had filed a H.M.O.P. before the Sub-Court, Thirupathur and the same is pending, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 Judicial Magistrate No.1, Tirupathur, 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 petitioners 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 report before the respondent police daily at 10.30 a.m. until further orders and thereafter, shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter, 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]; and;

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

-sd/-

17/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE NO.I,
TIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
TIRUPATTUR ALL WOMEN POLICE STATION,
TIRUPATTUR DISTRICT.

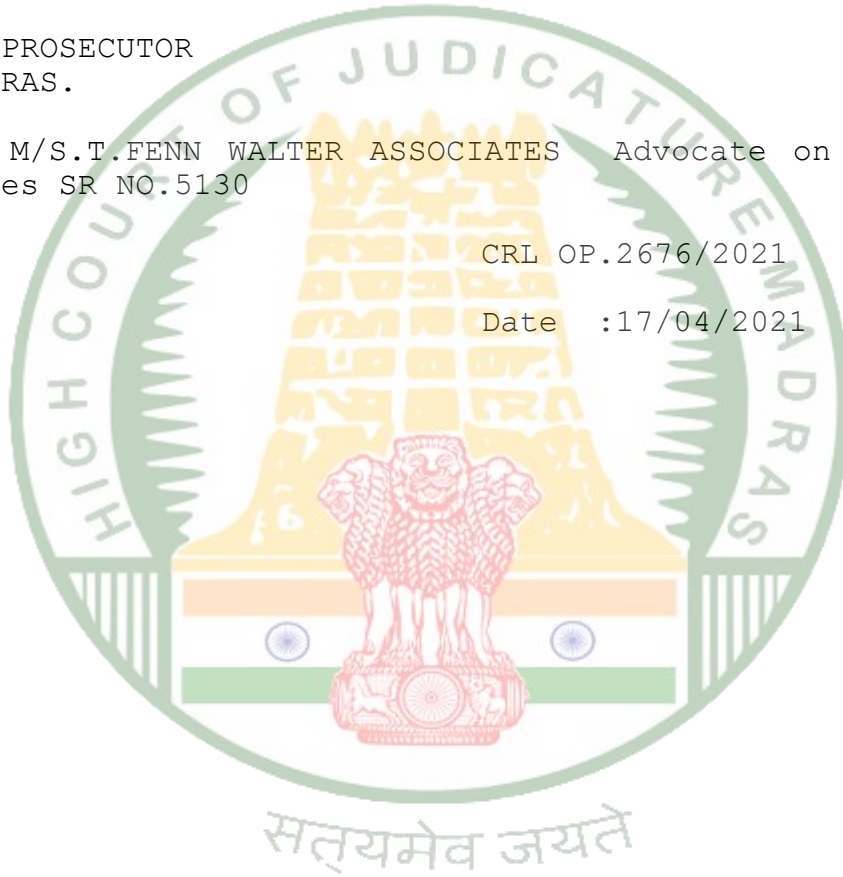
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.T.FENN WALTER ASSOCIATES Advocate on payment of
necessary charges SR NO.5130

CRL OP.2676/2021

Date :17/04/2021

MK:23/04/2021



WEB COPY