



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2135 of 2021

AND CRL.MP.NO.3955 of 2021

1 JAIGANESH
2 KANNAGI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
W8 THIRUMANGALAM ALL WOMEN POLICE STATION,
CHENNAI.
(Crime No.7 of 2021)

[RESPONDENT]

MANISHA

...PETITIONER/DEFACTO COMPLAINANT

(ORDERED AS PER ORDER OF THIS COURT DATED 30/07/2021 MADE IN
CRL.MP.NO.3955 OF 2021 IN CRL.OP.NO.2135 OF 2021)

For Petitioner : M/S M.PURUSHOTHAMAN Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

For Intervenor : M/S.R.RADHA PANDIAN

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence under Sections 498(A), 406 and 506 (ii) of IPC, in Crime No.7 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is a husband and second petitioner is a mother-in-law of the defacto complainant, there was a matrimonial dispute between them. Further, the petitioner had harassed the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the first petitioner is the husband of the



defacto complainant and he filed a divorce petition in H.M.O.P.No.750 of 2019 on the file of the Sub Court, Poonamalli. He further submits that the matter has not been settled before the Mediation Centre, High Court, Madras. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that there is no previous case is pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact that there was a matrimonial dispute between them and there is also no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the *learned Metropolitan Magistrate, Additional Mahila Court, Egmore, Chennai*, on condition that each of the petitioners shall execute a separate bonds 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 petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners 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.

WEB COPY

-sd/-

30/07/2021

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
ADDITIONAL MAHILA COURT,
EGMORE, CHENNAI.

2 CHIEF METROPOLITAN MAGISTRATE
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
W8 THIRUMANGALAM ALL WOMEN POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S M.PURUSHOTHAMAN Advocate on payment of necessary charges SR.NO.8002

CRL OP.2135/2021

AND CRL.MP.NO.3955 of 2021

Date :30/07/2021

CSK 09/08/2021