

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Seventeenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3329 of 2021

P.THANIGAIVEL

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION  
CHENGALPET  
CHENGALPET DISTRICT.  
CRIME NO. 2 OF 2021.

[ RESPONDENT ]

For Petitioner : M/S.P.K.GANESH Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 498(A) and 506(i) of I.P.C in Crime No.2 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of the petitioner. It is alleged that the petitioner is having illicit intimacy with another woman and driven the defacto complainant from her matrimonial home. Earlier the defacto complainant has given complaint in four different police Stations, but under the influence given by the petitioner, the complaints came to be closed. Hence she lodged the present complaint before the respondent/police.

3. The learned counsel for the petitioner would submit that there was matrimonial dispute between the petitioner and the defacto complainant, due to which she has given several complaints before various police stations, which were also enquired and closed and this is the fourth complaint given by defacto complainant. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that apart from this complaint, earlier the defacto complainant has lodged

four complaints in four different police stations which were also enquired and closed and the details are hereunder:

| S.No. | C.S.R.No / Year      | Police Station                          | Status                                                                                |
|-------|----------------------|-----------------------------------------|---------------------------------------------------------------------------------------|
| 1     | C.S.R.No.141 of 2020 | All Women Police Station, Chengalpet    | closed on 9.7.2020                                                                    |
| 2     | C.S.R.No.249 of 2020 | All Women Police Station, Thiruvelllore | closed on 9.7.2020                                                                    |
| 3     | Cr.No.43 of 2020     | All Women Police Station, Thiruvelllore | Closed on 30.7.2020                                                                   |
| 4     | Crime No.4 of 2020   | All Women Police Station, Thiruvelllore | Complaint transferred from Thiruvelllore to Chengalput and renumbered as Cr.No.2/2020 |

5. Considering the facts and circumstances of the case and taking note of the fact that this is case of matrimonial dispute and already four complainants were given by the defacto complainant against the petitioner and the same were enquired and closed, this court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail in their 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 Judicial Magistrate No.1, Chengalpet 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 229 A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-  
17/03/2021

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 JUDICIAL MAGISTRATE NO.I,  
CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPET [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION CHENGALPET,  
CHENGALPET DISTRICT.

+1 CC to M/S.P.K.GANESH Advocate on payment of necessary charges  
SR NO. 3588

CRL OP.3329/2021

Date :17/03/2021