

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5430 of 2021

1 N.YUTHISTRAN

[PETITIONERS / ACCUSED]

2 N.ESWARI

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
N-1 ROYAPURAM POLICE STATION,
CHENNAI.

CR.NO.72 OF 2021.

For Petitioner : M/S. B.S.MANIKANDAN Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.72 of 2021 on the file of the respondent police for the alleged offence u/s 341, 294(b), 323, 324 and 506(ii) of IPC r/w Section 4 of The Tamil Nadu Prohibition of Harassment of Woman Act, seek anticipatory bail.

2. There are totally three accused. The petitioners have been arrayed as A1 and A3. A1 is the husband and A3 is the mother-in-law of the daughter of the de facto complainant. The petitioners said to have assaulted the de facto complainant and his daughter, the wife of the 1st petitioner and abused them in filthy language in a public place and also criminally intimidated them.

3. The learned counsel for the petitioners submitted that the petitioners are innocents of alleged offence and the case has been falsely foisted. There is a matrimonial dispute between the 1st petitioner and the daughter of the de facto complainant and due to the same, this false complaint has been filed. The petitioners are

ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail.

4. The learned Additional Public Prosecutor would stoutly oppose the petition for anticipatory bail. According to him, there is already a matrimonial proceedings pending between the 1st petitioner and his wife, the daughter of the de facto complainant and investigation is pending. He would, however, submit that A2 who was arrested and remanded to judicial custody, had been released on bail and the injured had already been discharged from the hospital..

5. Considering the fact that there is already a matrimonial dispute pending and the other circumstances of the case and also considering the fact that injured had been discharged from the hospital and substantial investigation is already over, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) 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 XVI Metropolitan Magistrate, George Town, Chennai**, on executing 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their 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.

[c] the petitioner shall report before the respondent police as and when required by the police 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 himself /Trial Court as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
19/03/2021

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 METROPOLITAN MAGISTRATE,
NO.XVI, GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
N-1 ROYAPURAM POLICE STATION,
CHENNAI.

+1 CC to M/S. B.S.MANIKANDAN Advocate on payment of necessary charges SR.NO.3821

CRL OP.5430/2021

Date :19/03/2021

TA-29/03/2021

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