

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.5525 of 2021

ZIAUR RAHMAN

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY

[ RESPONDENT ]

THE SUB INSPECTOR OF POLICE,  
B-1, NORTH BEACH POLICE STATION,  
CHENNAI  
(CR.NO.65/2021)

For Petitioner : M/S.R.ANITHA 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 case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.65 of 2021 on the file of the respondent police for the alleged offence u/s 294(b), 323, 324, 354 and 506(2) of IPC, seeks anticipatory bail.

2. The petitioner is the husband of the de facto complainant. The allegation is that the petitioner assaulted the de facto complainant with rolling pin and abused her in filthy language and also criminally intimidated her when she questioned his extra-marital affair with one of his relative.

3. The learned counsel for the petitioner submitted that the petitioner is innocent of the alleged offence and this case has been foisted falsely. The petitioner is 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 oppose the petition for anticipatory bail. He would however, fairly submit that already the de facto complainant had given a complaint before the All Women Police Station, Ranipet, and enraged over the same, the petitioner attacked the de facto complainant with rolling pin.

5. Considering the relationship of the parties and looking to the nature of incident and the allegations made against the petitioner and also the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) 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 VII 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

TO

1 THE VII METROPOLITAN MAGISTRATE,  
GEORGE TOWN, CHENNAI.

2 THE CHIEF METRTOPOLOITAN MAGISTRATE,  
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

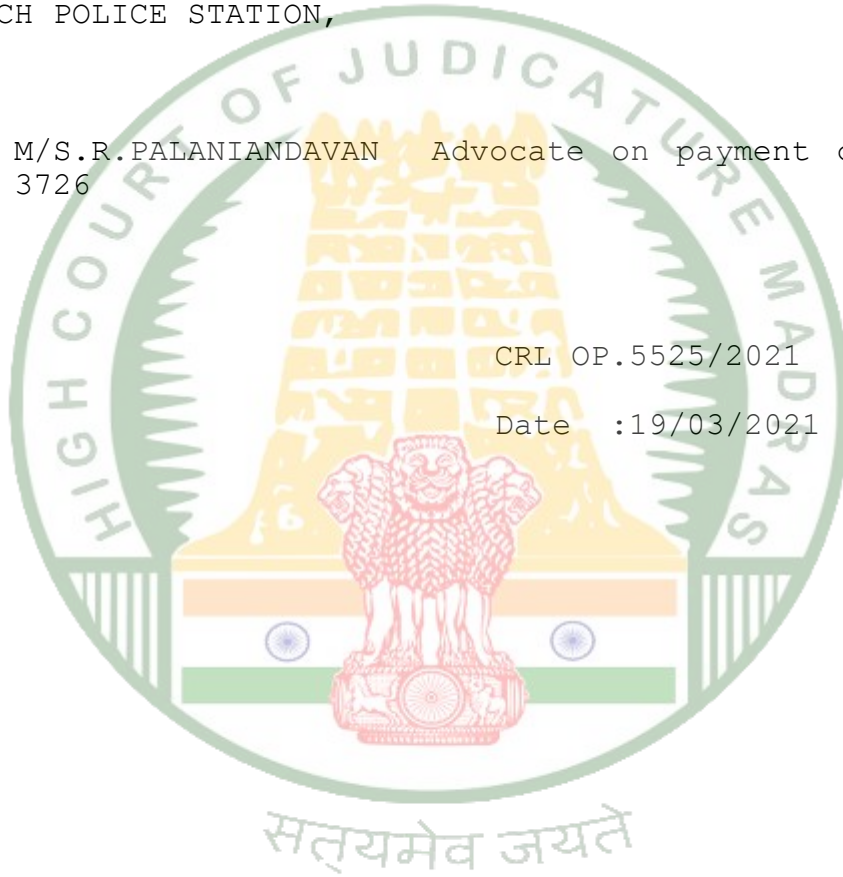
4 THE SUB INSPECTOR OF POLICE,  
B-1, NORTH BEACH POLICE STATION,  
CHENNAI.

+1 CC to M/S.R.PALANIANDAVAN Advocate on payment of necessary  
charges SR NO. 3726

CRL OP.5525/2021

Date :19/03/2021

MN-26/03/2021



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