

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6620 of 2020

K.Srikanth

... Petitioner

-Vs-

State Represented by:

The Inspector of Police,
W-20, All Women Police Station,
Saidapet, Chennai.
(Crime No.6 of 2020)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.6 of 2020 is pending on the file of the respondent police.

For Petitioner : Mr.J.C.Duraiaraj

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

For Intervenor : Mr.S.Anil Sandeep

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest for the alleged offences under Sections 498-A, 406 and 506(ii) of IPC, in Crime No.6 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that there was a matrimonial dispute between the petitioner and the defacto complainant. The allegation is that the defaco complainant was married the petitioner during the year 2007. Thereafter, both the petitioner and the defacto complainant living together and the petitioner harassed the defacto complainant and received a sum of Rs.30,00,000/- for the purpose of purchasing a plot.. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that the petitioner has filed a divorce petition in O.P.No.871 of 2019 is pending before the Family Court, thereafter the present complaint has been filed. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there was a matrimonial dispute between the petitioner and the defacto complainant. The allegation is that the petitioner harassed the defacto complainant and received a sum of Rs.30,00,000/- for the purpose of purchased a plot and there is no previous case pending as against the petitioner.

5. The learned counsel for the intervenor would submit that the petitioner had harassed the defacto complainant and received a sum of Rs.30,00,000/- for the purpose of purchased plot. He would further submit that the defacto complainant has filed in O.P.No.2245 of 2019 for restitution of conjugal rights and also a maintenance case in M.C.No.288 of 2019, both cases are pending before the Family Court. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case that there was a matrimonial dispute and several litigation are pending and there is no previous case pending as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy made ready, before the IX Metropolitan Magistrate, Saidapet Chennai, 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 229A IPC.

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

-sd/-
03/02/2021

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.IX,
SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W20 ALL WOMEN POLICE STATION,
SAIDAPET, CHENNAI.

+1CC to M/S.J.C.DURAIRAJ Advocate on payment of necessary charges SR NO.1151

CRL OP.6620/2020

Date :03/02/2021

MK:12/02/2021