

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7069 of 2021

1 SUNDAR [PETITIONERS / ACCUSED]
2 PANNEER
3 RENUKA
4 SENTHIL KUMAR
5 SURESH KUMAR

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
W-17 PERAVALLORE,
CHENNAI DISTRICT.
CR.NO.02 OF 2021.

For Petitioners : M/S.M.SATHISH KUMAR Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate (Criminal Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 498(a), 294 (b) and 506(ii) of I.P.C in Crime No.02 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband of the defacto complainant and the other petitioners are in-laws of the defacto complainant. It is alleged that the petitioners harassed the defacto complainant and driven her from the matrimonial home. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioners submits that due to some family dispute the defacto complainant went to her parental home. He further submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the petitioners harassed the defacto complainant and driven her from the matrimonial home. He further submits that there was a matrimonial dispute and the first petitioner have filed a suit for Restitution of conjugal Rights in H.M.O.P.No.88 of 2021 before the Additional Mahila Court, Egmore, Chennai and the same is pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the fact that only due to family dispute the occurrence said to have taken place and the first petitioner has instituted a suit for Restitution of conjugal Rights in H.M.O.P.No.88 of 2021 before the Additional Mahila Court, Egmore, Chennai and the same is pending, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court (Metropolitan Magistrate) Egmore, Chennai District on condition that the petitioners shall execute a bond 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 first,second, fourth and fifth petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation; the third petitioner 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 petitioners 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.

-sd/-
16/04/2021

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 ADDITIONAL MAHILA COURT,
(METROPOLITAN MAGISTRATE), EGMORE, CHENNAI.
2. THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. (FOR INFORMATION)
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
W-17 PERAVALLORE,
CHENNAI DISTRICT.
4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.SATHISH KUMAR Advocate on payment of necessary charges SR NO. 4821

CRL OP.7069/2021

TK/21.04.2021

Date :16/04/2021

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