

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION NO.7484 OF 2021

AND CRL.MP.NO.5132 OF 2021

1 NIKHIL CHANDRASEKAR

[PETITIONERS / ACCUSED]

2 M.CHANDRASEKAR

3 PRABA CHANDRASEKAR

Vs

THE STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,

W4, ALL WOMEN POLICE STATION,

KILPAUK, CHENNAI.

CRIME NO.5 OF 2021.

RUBINI

[PETITIONER / INTERVENER /

DEFACTO COMPLAINANT]

[Ordered as per order of this Court dated 22/04/2021 made in CRL.MP.NO.5132 OF 2021 IN CRL.OP.NO.7484 OF 2021]

For Petitioner : M/S.S.K.CHANDRAKUMAR Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN
GOVERNMENT ADVOCATE (CRL. SIDE)

For Intervener : M/S.M.S.CHARLES ADVOCATE

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 498A and 294B of IPC in Crime No.5 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the 1st petitioner married the defacto complainant in the the year 2014. Out of their wedlock, a male child was born and now he is aged five years. The 2nd and 3rd petitioner are the parents of the 1st petitioner. There was misunderstanding between the petitioner and the defacto complainant, which led the 1st petitioner to file O.P.No.715 of 2018 before the Family Court, Chennai, seeking for divorce. Pending O.P., the defacto complainant has filed the present complaint.

4. The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. After marriage, the defacto complainant always suspected the petitioner and regularly quarrelled with him using filthy language. When the attitude of the defacto complainant went beyond the control of the petitioner, the petitioner filed O.P. seeking for divorce. In order to get a lump sum amount as maintenance and to torture the petitioners, she has filed the present petition. Hence, he sought for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that it is purely a matrimonial dispute and an O.P. is pending before the Family Court, Chennai.

6. Learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioners.

7. Taking into consideration the facts and circumstances of the case and the nature of allegation against the petitioners and taking note of the age of the 2nd and 3rd petitioners, this Court is inclined to grant anticipatory bail to the 2nd and 3rd petitioners subject to the following conditions.

8. Accordingly, the 2nd and 3rd petitioners are directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) each to the credit of Crime No.5 of 2021, without prejudice to their rights to defend before the trial court. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Additional Mahila Court, Egmore, within a period of 15 days from the date of receipt of a copy of this order, on their executing a separate 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 and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the 2nd and 3rd petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.5 of 2021, with prejudice to their rights and contentions before the trial Court.

[c] the 2nd and 3rd petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness 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 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].

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

1. Insofar as the 1st petitioner is concerned, this Court is not inclined to grant anticipatory bail.

2. 10. Accordingly, this Criminal Original Petition is dismissed insofar as the 1st petitioner is concerned and allowed insofar as the 2nd and 3rd petitioners are concerned.

-sd/-
22/04/2021

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,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W4, ALL WOMEN POLICE STATION,
KILPAUK, CHENNAI.

CC to M/S.S.K.CHANDRAKUMAR Advocate on payment of necessary charges

CRL.OP.NO.7484/2021
& CRL.MP.NO.5132/2021

Date :22/04/2021