

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

CrI.O.P.No. 10335 of 2021

Dr.Nikhil Chandrasekar

...Petitioner/A1

-Vs-

The State,
Represented by the Inspector of Police,
W4, All Women Police Station,
Chennai.

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure, to grant anticipatory bail to the petitioner and direct him to be released on bail in the event of his arrest or surrender in connection with the Crime No.5 of 2021 on the file of the respondent police.

For Petitioner : Mr.K. Chandrakumar

For R1 : Mr.E. Rajthilak
Counsel for Govt. of Tamil Nadu
(Criminal Side)

: Mr.Charless,
Intervenor

ORDER

The petitioner/A1, who apprehends 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. The case of the prosecution is that the petitioner got married the de-facto complainant in 2014. Out of their wedlock, a male child was born. There was some misunderstanding between the petitioner and the de-facto complainant, which led the petitioner filed O.P.No.715 of 2018 before the Family Court, Chennai, seeking for divorce. During the pendency of the divorce petition, the de-facto complainant has filed the present complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. After performing the marriage, the de-facto complainant always suspected the petitioner and regularly quarreled with him abusing filthy language. When the attitude of the de-facto complainant went beyond the control of the petitioner, the petitioner filed O.P. seeking for divorce from her before the Family Court, Chennai. In order to get a

lump sum amount as maintenance, the de-facto complainant filed the present petition. Hence, the petitioner sought for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that it is purely a matrimonial dispute and the Original Petition is pending before the Family Court, Chennai, for amicable settlement.

5. The learned counsel for the Intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that there is no changes of circumstances, and this Court is not inclined to grant anticipatory bail to the petitioner, at this stage, the Criminal Original Petition is dismissed accordingly.

21.06.2021

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

V. BHAVANI SUBBAROYAN, J.

msm

To

1. The Inspector of Police,
W4, All Women Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

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