

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

Cr1.O.P.No.8778 of 2021

S. Nissar Mohammed

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
S7 Madipakkam Police Station,
Chennai
(Crime No.152 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in Crime No.152 of 2021 on the file of respondent police.

For Petitioner : Mr.A.Vivekanandhan

For Respondent : Mr. T. Shunmugarajeswaran
Government Advocate

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 108-A, 212, 317, 364A, 365, 368, 379, 506(i) r/w 120-B of IPC, in Crime No.152 known of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is the husband of the A1 and they have two children. Both of them were living in Riyadh (Saudi Arabia) upto July 2020. Whiles, the petitioner/A2 got introduced to the de-facto complainant and A1 and the de-facto complainant helped A2 to get a job. Subsequently, the de-facto complainant suspected that his wife/A1 and the petitioner/A2 had illegal intimacy. Therefore, A1 left the de-facto complainant along with the children from Riyadh and now, she is residing at Chennai. The main allegation is that the petitioner/A1 along with her paramour/A2 had stolen the jewels worth about Rs.10 lakhs and also cash of Rs.5 lakhs and the passport of the children. Hence the case came to be registered.

3. The learned counsel for the petitioner would submit that he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

5. Taking into consideration, the facts and circumstances of the case and it is a case of matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-II, Alandur, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner and 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.

(b) the petitioner shall report before the respondent police as and when required 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/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.

-sd/-

12/05/2021

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 JUDICIAL MAGISTRATE,
NO.II, ALANDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
S7, MADIPAKKAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.VIVEKANANDHAN Advocate on payment of necessary charges

CRL OP.8778/2021

सत्यमेव जयते Date : 12/05/2021

RVR 01/07/2021

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