

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.14857 of 2020

Dr.E.Preetha

.. Petitioner

Vs.

1. S.Jayakanth

2. The State of Tamil Nadu,
Rep. by the Inspector of Police,
AWPS-Vadapalani,
T.Nagar, Chennai
(Crime No.15 of 2019)

.. Respondents

Prayer: Criminal Original Petition filed under Section 439(2) of Criminal Procedure Code praying to cancel the bail granted to the first respondent by setting aside the order dated 08.11.2019 made in Crl.M.P.No.23542 of 2019 on the file of the learned Principal Sessions Judge, Chennai.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent 1 : Mr.S.Jayakanth,
Party-in-Person

For Respondent 2 : Mr.S.Karthikeyan,
Additional Public Prosecutor

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ORDER

(The case has been heard through video conference)

Challenging the bail granted to the first respondent by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.23542 of 2019 dated 08.11.2019, the present Criminal Original Petition has been filed by the petitioner.

2. The first respondent has been implicated for the offence under Sections 498(A), 323 and 506(i) of IPC in Crime No.15 of 2019, on the file of the second respondent police.

3. The first respondent is the husband of the petitioner. Earlier at the instance of the petitioner, FIR has been registered under Sections 498(A), 323 and 506(i) of IPC against the first respondent, and the Court below granted bail to the first respondent vide order dated 08.11.2019, in Crl.M.P.No.23542 of 2019, with a condition that the first respondent report before the second respondent police daily until further orders.

4. Seeking cancellation of bail on the ground that on 23.07.2020, the

first respondent went to the house of the petitioner and asked the petitioner to show his son and created ruckus there. Thereafter the police intervened and the petitioner went back. Alleging that the first respondent after coming out on bail is involving in all kinds of activities and criminally intimidating the petitioner, she seeks cancellation of bail granted to the first respondent.

5. The first respondent appeared in person and submitted that earlier the first respondent received a message on 22.07.2020 from the petitioner that their son is seriously ill and he was admitted in Apollo Hospital. Therefore, he went there and he was informed that the child was discharged and taken by the petitioner. In the said circumstances, out of curiosity, he went to the petitioner's house and asked her to allow him to see his son. But they refused to permit him to see his son and they also gave a complaint to the respondent police. After the first respondent explained the situation, the police also did not take any action.

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6. I have considered the rival submissions.

7. Perusal of the records would show that the first respondent visited the petitioner's house only to see his ailing son and apart from that there is

no serious allegation against him. Now, the first respondent undertakes that he will not visit the petitioner house without appropriate orders from the Court.

8. Considering the above circumstances, I do not find any reason to cancel the bail granted to the first respondent. Hence this criminal original petition stands dismissed.

30.03.2021

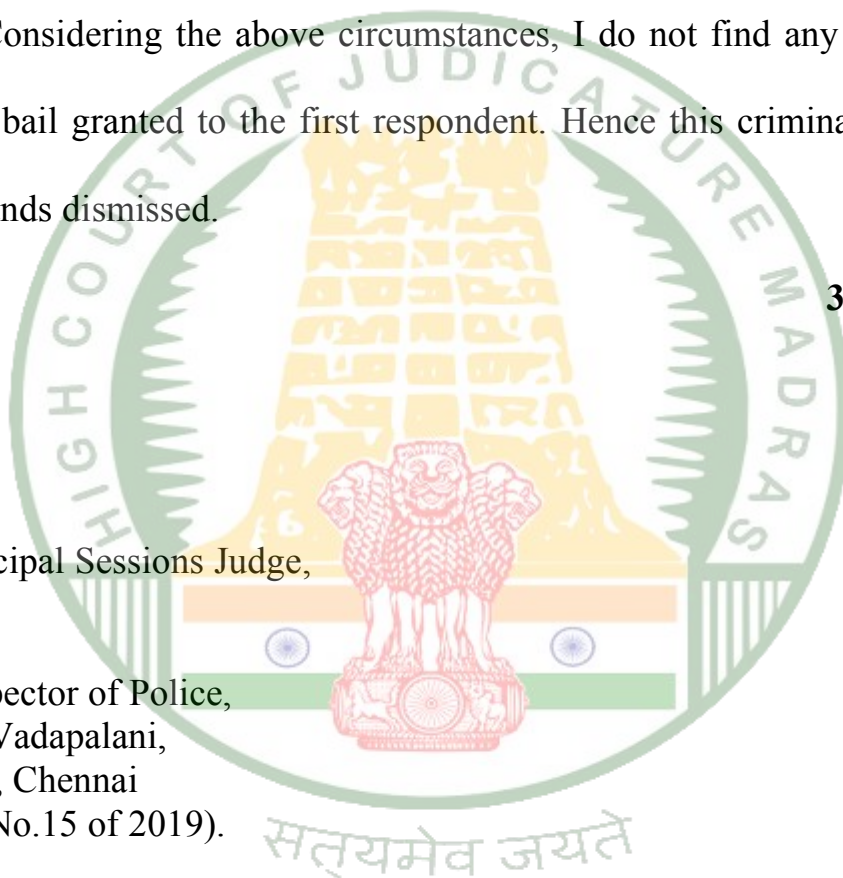
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To

1.The Principal Sessions Judge,
Chennai.

2. The Inspector of Police,
AWPS-Vadapalani,
T.Nagar, Chennai
(Crime No.15 of 2019).

3.The Public Prosecutor,
Madras High Court.



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V.BHARATHIDASAN, J.

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