



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.12318 of 2021

B.Babu

... Petitioner

Vs.

The State represented by its
The Inspector of Police,
All Women Police Station,
Tambaram, Chennai.
(Cr.No.Not Known/ 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of his arrest in Crime No.Not known of 2021 on the file of the respondent Police.

For Petitioner : Mr.M.Dinesh

For Respondent : Mr.A.Gopinath
Government Advocate (CrI.Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence punishable under Section 498-A of IPC in Crime No.Not Known of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband/petitioner is having some illegal affair with one Fathima who is working with the petitioner. Based on the complaint given by the defacto complainant, the case came to be registered.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner only helped the said Fathima, which was misconceived by the defacto complainant and the present complaint was lodged without proper evidence. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that there was a quarrel between the petitioner/husband and the wife/defacto complainant, due to which, the present complaint has been filed. He further submits that the complaint given by the defacto complainant was registered and CSR No.305 of 2021 was assigned and the petition enquiry is also pending. He further submits that the co-accused was already released on bail. However, he vehemently opposed for granting of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the submissions made by the learned counsel appearing for both sides and the co-accused already released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is 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 Judicial Magistrate -I, Tambaram 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 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 Court concerned 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 daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
16/07/2021

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.I, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TAMBARAM, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12318/2021

Date :16/07/2021

RW 26/07/2021