



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13080 of 2021

Sathishkumar

... Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Sankari,
Salem District.
(Cr.No.10 of 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 connection with in Crime No.10 of 2021 on the file of the respondent police.

For Petitioner : Mr.C. Prabakaran

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 498(A), 417 and 506(i) of I.P.C and u/s 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.10 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant fell in love with each other and got married. Thereafter there was some misunderstanding between them and the petitioner/husband refused to live with the defacto complainant/wife. Hence, the law enforcing registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner is an unmarried person and the defacto complainant is a divorcee and H.M.O.P.No.39 of 2017 is pending before the Sub Court, Sankari and suppressing the said fact, she married the petitioner. He further submits Hence he prays for grant of anticipatory bail to the petitioner.



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

5. Considering the fact that the petitioner refused to live with the defacto complainant, apart from that there is no serious allegation against the petitioner, 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 Court No.II, Sankari**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each 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.

-sd/-

29/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1. THE JUDICIAL MAGISTRATE,
NO.II, SANKARI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARI,
SALEM DISTRICT.

+1 CC to M/S C.PRABAKARAN Advocate on payment of necessary
charges SR.NO.7992

CRL OP.13080/2021

Date :29/07/2021

TA-06/08/2021