



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15927 of 2021

ELLAPPAN @ AJAY SATHYA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AVADI, CHENNAI.
CRIME NO.18 OF 2021.

[RESPONDENT]

For Petitioner : M/S.M/S.A.RAGINA Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offences under Sections 294(b), 498(A) and 506(i) of IPC in Cr.No.18 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant were husband and wife. Petitioner ran a spa, therein accused/A-2 worked as an employee and petitioner/A-1 developed illegal intimacy with A-2 and refused to live with the defacto complainant, following which, A-2 threatened the defacto complainant through phone call. Hence, the defacto complainant made a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the petitioner already filed restitution of conjugal rights petition in HMOP.No.184/2020 which is pending before the Sub-Court, Poonnamallee. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl side) submits that the petitioner developed illegal intimacy with accused/A-2 and refused to live with the defacto complainant. He further submits that the investigation is pending. He vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and matrimonial issue is pending before the Competent Family Court, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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 No.I Poonamallee, 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on anticipatory 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/-
08/09/2021

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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.RAGINA Advocate on payment of necessary charges
SR.NO.9733

CRL OP.15927/2021

Date :08/09/2021

JPA 21/09/2021