



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.16358 of 2021

1 B.MADHAN [PETITIONERS / ACCUSED]
2 BAKTHAVATCHALAM
3 B.DASARATHY
4 MONISH VARMA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MADIPAKKAM POLICE STATION,
CHENNAI.
CRIME NO.403/2021

For Petitioner : M/S. S.N.SUBRAMANI Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 498(A), 363, 365, 354(C), 506(1) of IPC r/w Sec.67 of I.T.Act in Cr.No.403 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that marriage was performed between petitioner/A-1 and defacto complainant in the year 2018. Thereafter, they were blessed with a male child. Further, the defacto complainant owned a property and petitioner/A-1 demanded to settle the property in his name and abused and harassed the defacto complainant and he also had illegal intimacy with several girls. Hence, the defacto complainant made a complaint against the petitioner.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submits that there are some allegation



against the petitioner/A-1 and no allegation against in-laws of the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl side) submits that there was a family dispute between petitioner/A-1 and defacto complainant, in which A-1 demanded to settle the property in his name and also had illegal intimacy with several girls. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the fact that serious allegations are made against petitioner/A-1, I am not inclined to grant anticipatory bail to petitioner/A-1. However, there being no serious allegation made against in-laws A-2, A-3 and A-4, I am inclined to grant anticipatory bail to the petitioners/A-2, A-3 and A-4.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-1 Alandur, on condition that the petitioners 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners 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.

-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, ALANDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.N.SUBRAMANI Advocate on payment of necessary charges SR.No.9821

CRL OP.16358/2021

Date :08/09/2021

APN 21/09/2021