



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16519 of 2021

MAHENDRAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
W7 ALL WOMEN POLICE STATION,
ANNA NAGAR, CHENNAI CITY
CR NO.10/2021

[RESPONDENT]

For Petitioner : M/S.R.MURUGAPPAN Advocate

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

For Intervenor : MR.SAKTHIVEL Advocate

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

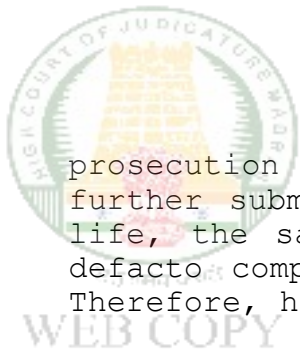
ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 323, 294(b) and 506(ii) of IPC and 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 are husband and wife, due to matrimonial between them, they were living separately. In this connection, the petitioner has filed a Divorce case before the competent court and the defacto complainant also filed a maintenance case. While so, on 28.07.2021, the petitioner had gone to the defacto complainant's house and abused her, assaulted her and also criminally intimidated her. Hence, the complaint.

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 defacto complainant had living adulterate life, the same was questioned by the petitioner. Due to which, the defacto complainant had filed a foist case against the petitioner. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned counsel for the petitioner vehemently opposed for grant of bail to the petitioner.

5. The learned Government Advocate (Crl.Side) submits that there was a matrimonial dispute between the petitioner and the defacto complainant, the present case has been filed. He further submits that no one had sustained injury.

6.Considering the facts and circumstances of the case and also the fact that no one had sustained injury, this court is inclined to grant anticipatory bail to the petitioner.

7.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.V, Egmore, Chennai 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 petitioners 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/-

09/09/2021

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.V,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE,
W7 ALL WOMEN POLICE STATION,
ANNA NAGAR, CHENNAI CITY

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.MURUGAPPAN Advocate on payment of necessary charges SR.No.10000

+1 CC to M/S.K.SAKTHIVEL Advocate on payment of necessary charges SR.No.9953

CRL OP.16519/2021

Date :09/09/2021

APN 24/09/2021