



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17101 of 2021

N.MARIYA CLINTON

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S.C.ADHIKESAVAN 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 apprehend arrest for the alleged offence under Sections 498(A), 363, 365, 354 C, 560(1) of IPC r/w Section 67 of Information Technology Act 2000 in Cr.No.403 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner A1 and the defacto complainant are husband and wife. The marriage was solemnized in the year 2018 and they were blessed with a male child. There was some matrimonial dispute between the petitioner A1 and the defacto complainant. At that time, the petitioner who is arrayed as A5 is a friend of A3 along with the other accused persons came to the defacto complainant's house and snatched her child and left out. Due to which the defacto complainant took tablets and got admitted in the Government hospital. Hence, the law enforcing agency registered a case against the petitioner and other accused persons.



3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submits that the petitioner only advised the defacto complainant to lead a happy life with A1 for which she had lodged a false complainant against the petitioner. The learned counsel would also submit that the co-accused persons were granted bail by this Court in CrI.OP.No.16358 of 2021 dated 08.09.2021. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that due to family dispute, the petitioner along with other accused persons threatened the defacto complainant and snatched the child him from the defacto complainant. Hence he opposed to grant anticipatory bail to the petitioner.

5.Taking into consideration of the facts and circumstances of the case and also the co-accused persons were granted bail, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, 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 No.II, Alandur, on condition that the petitioners 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:

(b)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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 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;



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

-sd/-

17/09/2021

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.II, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.C.ADHIKESAVAN Advocate on payment of necessary charges SR.NO.10218

CRL OP.17101/2021

Date :17/09/2021

RW 28/09/2021