



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Tenth day of November Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.20958 of 2021

1 G.ARUNKUMAR
2 SUGUNA
3 MADURAIVEERAN

[PETITIONERS / ACCUSED]

Vs

STATE REPBY
SUB INSPECTOR OF POLICE,
TIRUVANMIYUR POLICE STATION,
CHENNAI 41,
CR.NO. 806 OF 2021.

[RESPONDENT]

For Petitioner : M/S. P.ANBARASAN Advocate

For Respondent : MR. N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

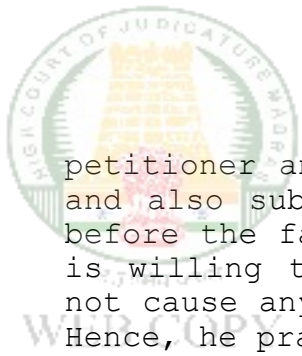
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 294B, 324, 506(ii) of the Indian Penal Code, 1860 in Cr.No.806 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that after wedlock, the petitioner and his wife, due to some misunderstanding were living separately in different portions in the same apartment following which, there arose frequent quarrel between for which the first petitioner filed a petition for divorce before the family court thereafter, there arose wordy quarrel between them in which the other petitioners along with the first petitioner abused and threatened the defacto complainant's daughter to vacate the house. Hence, the mother of the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that due to some matrimonial dispute, the first



petitioner and his wife were living separately in the same apartment and also submits that there is case in O.P.No.406 of 2021 pending before the family court. He further submits that the first petitioner is willing to maintain the children and he undertakes that he will not cause any interference in the portion where his wife is residing. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submits that the petitioners abused in filthy language and harassed the defacto complainant's daughter to vacate her in-law's house and also threatened her with dire consequences. He further submits that the investigation is pending in this case. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the fact that the wife of the petitioner is residing with her two children in one portion of the apartment and there is also a divorce case pending between the first petitioner and his wife before the family court but as a wife, she is entitled to be with her in-law's house for which the first petitioner has no objection.

6. In view of the above facts, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 XVIII Metropolitan Magistrate, Saidapet, Chennai 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 are directed to report before the respondent police every Wednesday at 10.30 a.m. until further orders;

(c)the petitioners should not cause any interference in the portion where the first petitioner's wife and her children are residing.

(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 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/-

10/11/2021

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 XVIII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 SUB INSPECTOR OF POLICE,
TIRUVANMIYUR POLICE STATION,
CHENNAI 41.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 SUNITHA, W/O.MADHAVAN PILLAI,
NO.44/23, RAJA SRINIVASAN NAGAR,
2ND STREET, TIRUVANMIYUR, CHENNAI-41

CC to M/S. P.ANBARASAN Advocate on payment of necessary charges
sr.12619

CRL OP.20958/2021

Date :10/11/2021

RVR 19/11/2021