



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.23647 of 2021

K.SIVASARAVANAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM,
CUDDALORE DISTRICT.
(CRIME NO.18/2021)

[RESPONDENT]

For Petitioner : M/S.A.RAMALINGAM Advocate

For Respondent : MR. S.BALAJI, 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 at the hands of the respondent police for the alleged offence under Sections 498 A, 294 (b), 506(i) of IPC and Section 4 of Dowry Prohibition Act 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 is the husband of the defacto complainant and he is alleged to have demanded dowry from the defacto complainant for the past two years and subsequently, the defacto complainant gone to her parental home and thereafter, the petitioner and his relatives have threatened the defacto complainant with dire consequences. Hence, the present complaint was registered against the petitioner based on the complaint.



3.The learned counsel appearing for the petitioner submitted that there was a matrimonial dispute between the petitioner and his wife. In view of the above, the defacto complainant deserted her husband and left the matrimonial home. Due to which, the petitioner filed a petition for divorce on 22.05.2021 in HMOP No.89 of 2021. In order to wreck vengeance on the petitioner, the defacto complainant has lodged a false complaint on 13.08.2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. side) appearing for the respondent submitted that this is the second bail application of the petitioner and the petitioner has filed a petition for divorce on 22.05.2021 and the present complaint was registered on 13.08.2021.

5. Considering the facts and circumstances of the case and also of the fact that the petitioner has filed a divorce petition on 22.05.2021 prior to the complaint lodged by the defacto complainant and HMOP. is pending between the parties, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 Additional Mahila Court (Magistrate Level), Cuddalore, 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 until further orders;

(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 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/-

08/12/2021

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 ADDITIONAL MAHILA COURT
(MAGISTRATE LEVEL), CUDDALORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM, CUDDALORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.RAMALINGAM Advocate on payment of necessary charges SR.NO.14349

CRL OP.23647/2021

Date :08/12/2021

RW 27/12/2021