



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21759 of 2021

R.Srihari

... Petitioner

Versus

State Rep by
Inspector of Police,
R8, Vadapalani Police Station,
Vadapalani
Chennai.
(Crime No.788 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.788 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Peranban

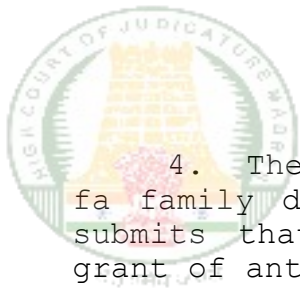
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest for the alleged offences under section 406 of IPC, in Crime No.788 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage of the petitioner and the daughter of the defacto complainant was performed in the year 2019. The petitioner is Physiotherapist, working as a Lecturer in Sri Ramachandra Medical College. It is alleged that the petitioner impersonate himself as a Doctor and performed marriage. Thereby the defacto complainant lodged a complaint against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner filed HMOP.No.362 of 2021 against the defacto complainant before the family Court. He further submits that he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits there was a family dispute between the petitioner and his wife. He further submits that the investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case as well as pendency of HMOP proceedings, 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 before the learned **XVII Metropolitan Magistrate Court at Saidapet** 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner is directed to report before the respondent police on every Saturday at 10.30.a.m. for a period of four weeks and thereafter as and when required for interrogation.

[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]**.



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/11/2021

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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 METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-8, VADAPALANI POLICE STATION,
VADAPALANI, CHENNAI.

+1 CC to M/S. G.PERANBAN Advocate on payment of necessary charges SR.NO.13137

CRL OP.21759/2021

Date :19/11/2021

TA-26/11/2021