



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21753 of 2021

A.Siraj

... Petitioner

Versus

State through
The Inspector of Police,
W-32, All Women Police Station,
Madipakkam, Chennai.
(Crime No.5 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of our arrest or surrender before Additional Mahila, Judicial Magistrate, Alandur in Crime No.5 of 2021 on 09.08.2021 on the file of the respondent police.

For Petitioner : Mr.P.Syed Abdul Mashood

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

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 498(A), 406 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.5 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the A1 had married the defacto complainant on 29.04.2018 and presented Mahar 20 Sovereign Gold and blessed one female child on 19.03.2020. A1 spented money for his marriage events, purchase of 10 Sovereign Gold from Saravana Stores and his child delivery and also enclosed the Bill and Statement of his Bank Account. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that there was a family dispute between the defacto complainant and A1 and this petitioner along with other family members are also used her and investigation is going on. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact, on perusal of records it reveals that there was a family dispute between the defacto complainant and A1 and A1 filed suit before the Family Court for divorce, all these facts reveals that there is a family dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Judicial Magistrate, Alandur, 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 appear before the respondent police every Wednesday at 10.30 a.m 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.

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-sd/-
19/11/2021

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 THE ADDITIONAL MAHILA,
JUDICIAL MAGISTRATE, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
W-32, ALL WOMEN POLICE STATION,
MADIPAKKAM, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S P.SYED ABDUL MASHOOD Advocate on payment of
necessary charges SR.NO.13206

CRL OP.21753/2021

Date :19/11/2021

CSK 24/11/2021