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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23006 of 2021

Akash Kumar

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
AWPS Avadi Police Station,
Chennai.
Cr.No.20 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.20 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest for the alleged offence under Sections 498-A of IPC in Cr.No.20 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife and the petitioner has harassed the defacto complainant. It is further alleged that the petitioner had a illegal relation ship with some other girls. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution. He further submits that defacto complainant tried to separate the petitioner from his parents and she had frequently quarrelled with the petitioner. He further submits that the petitioner's parents were died due to the depression caused by the attitude of the defacto complainant. He further submits that the petitioner has produced the copy of the death certificates of his parents. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Additional public prosecutor submits that there is no previous case pending as against the petitioner. However, he vehemently opposed the grant anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case and considering the submissions made by both counsel and also the fact that there is no previous case pending as against the petitioner, this court inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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.I, Poonamallee., 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 on every Wednesday and Sunday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(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 anticipatory 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/-
03/12/2021

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 JUDICIAL MAGISTRATE,
NO.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AWPS AVADI POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.THENRAJAN Advocate on payment of necessary charges

CRL OP.23006/2021

Date :03/12/2021

CSK 14/12/2021