



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.23850 of 2021

MADHAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MADIPAKKAM POLICE STATION,
MADIPAKKAM
(CRIME NO.403 OF 2021)

[RESPONDENT]

For Petitioner : M/S.M.K.SUBRAMANIAN Advocate

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

PETITION FOR ANTICIPATORY BAIL 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), 363, 365, 354(C), 506(i) of IPC read with Section 67 of IT Act in Cr.No.403 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage was performed between the petitioner/A1 and the defacto complainant in the year 2018. thereafter, they were blessed with a male child. Further, the defacto complainant owned a property and the petitioner/A1 demanded to settle the property in his name. When the defacto complainant refused to do so, the petitioner abused and harassed her and he is also having illegal intimacy with some other girls. Hence, the defacto complainant lodged a complaint against the petitioner.



3.The learned counsel appearing for the petitioner submitted that this is the second anticipatory bail application. on an earlier occasion, the petition was dismissed on the ground that the petitioner has not taken any steps to reunite with his wife. Now, the petitioner undertakes to reunion with the defacto complainant and hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that this is the second anticipatory bail application of the petitioner and the defacto complainant withdrawn her complaint in Cr.No.403/2021 stating that the dispute between her and the petitioner is resolved and they are ready to live together in the matrimonial home.

5. Considering the fact that the petitioner undertakes to reunion with his wife and considering the relationship 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 Judicial Magistrate-I, Alandur, on condition that the petitioner shall execute the 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 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 daily at 10.30 a.m. For a period of two 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 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/-
10/12/2021

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, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MADIPAKKAM POLICE STATION,
MADIPAKKAM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.K.SUBRAMANIAN Advocate on payment of necessary charges SR.NO.14650

CRL OP.23850/2021

Date :10/12/2021

JPA 27/12/2021