



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24091 of 2021

Gurukadaksham

... Petitioner

Versus

State:

The Inspector of Police,
El Mylapore Police Station,
Chennai.

(Crime No.1025 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 his arrest in Crime No.1025 of 2021 on the file of the respondent herein.

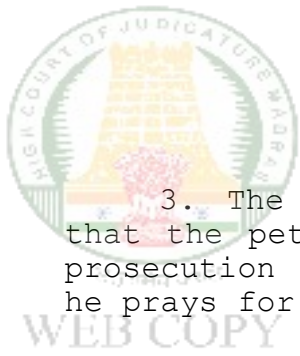
For Petitioner : Mr.M.Rajavelu

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 324, 427, 448 and 506(i) of IPC in Crime No.1025 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is Saraswathi. It is alleged that her in law Thenmozhi and her husband Vijayakumar has 2 children. They are Bharathi Raja and Abhishek. Their elder son Bharathiraja was living with his wife Monica at Porur. Since marriage was fixed for Abhishek, Thenmozhi and her husband went to Porur on 31.08.2021 in order to invite their elder son Bharathiraja and his wife Monica. Since there was already a misunderstanding between Thenmozhi and daughter in law Monica, there was a quarrel in Porur. A complaint was withdrawn. In these circumstances, it is alleged that the said Monica, her brother, her parents along with others came in and alleged to have quarreled and attacked the defacto complainant husband. Hence this case.



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 Additional Public Prosecutor appearing for the respondent submitted that there is some wordy quarrel and there is some dispute between the defacto complainant's mother in law and daughter in law. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 before the learned XVIII M.M. Saidapet at Chennai, 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 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;

(b) the petitioner shall report before the respondent police as and when requires 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/-

13/12/2021

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 METROPOLITAN MAGISTRATE,
NO.XVIII, SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
E1, MYLAPORE POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M. RAJAVELU Advocate on payment of necessary charges
SR.NO.14572

CRL OP.24091/2021

Date :13/12/2021

RW 15/12/2021