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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24843 of 2021

Harish

... Petitioner

Versus

State Rep by
The Inspector of Police
All Women Police Station, Thiruvallur
Thiruvallur District.
(Crime No.14 of 2019)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of their arrest in Crime No.14 of 2019 pending investigation on the file of the respondent police.

For Petitioner : M/s.M.Rajinikanth

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 498(A), 506 (i), 354 and 511 of IPC in Crime No.14 of 2019 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant. Due to some misunderstanding, they were separated for three years. The petitioner is alleged to have demanded dowry from the defacto complainant. Hence, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has filed H.C.P which is pending before the respondent police. Thereafter, the petitioner and the defacto complainant appeared before this Court stating that she is not willing to live with the petitioner. Recording the statement H.C.P was ordered on 30.07.2019. After a period of 15 months, the respondent police are



searching for the petitioner and FIR has also been registered. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that due to some misunderstanding, the petitioner and the defacto complainant were separated for three years and it is alleged that the petitioner demanded dowry from the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that the petitioner filed a petition before the family Court for restitution of conjugal rights, 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 **Judicial Magistrate-II, Tiruvallur** 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 is directed to appear before the respondent police on every Tuesday and Saturday 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 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/-
21/12/2021

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.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVALLUR,
THIRUVALLUR DISTRICT.

+1 CC to M/S. M.RAJINIKANTH Advocate on payment of necessary charges SR.NO.15266

CRL OP.24843/2021

Date :21/12/2021

TA-29/12/2021