



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.776 of 2022

K.Devanathan

...Petitioner

Versus

State Represented by;
The Inspector of Police,
Cuddalore N.T. Police Station,
Cuddalore,
(Crime No.1002 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, 1973 praying to enlarge the petitioner/A1 on bail in the event of arrest by the respondent police in Crime No.1002 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Senthil

For Respondent : Mr.A. Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(ii), 498A and 307 of IPC r/w. Section 4 of Woman Harassment Act, in Crime No.1002 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with his family members went to the house of the de-facto complainant/wife's mother and started wordy quarrel with her, demanded dowry and assaulted her with weapon, sustained several injuries and later, she hospitalized. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner demanded dowry from the de-facto complainant, he along with his family members attacked and threatened her, hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the Additional Mahila Court, Cuddalore District, 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 petitioner and 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 is directed to pay a sum of Rs.12,000/- (Rupees Twelve Thousand Only) per month as interim maintenance to the de-facto complainant/wife and her children until the dispute has been settled between the parties.

[c] the petitioner and the de-facto complainant are directed to appear before the Mediation Centre, attached to the District Court, Cuddalore District, at least five sittings.

[d] the petitioner shall report before the respondent police as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].



[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

12/01/2022

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 COURT,
CUDDALORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
CUDDALORE N.T. POLICE STATION,
CUDDALORE

4 THE OFFICER INCHARGE,
MEDIATION CENTRE, DISTRICT COURT,
CUDDALORE DISTRICT.

5 THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILATION CENTRE,
HIGH COURT, MADRAS

CC to M/S.R.SENTHIL Advocate on payment of necessary charges

CRL OP.776/2022

Date :12/01/2022

RVR 31/01/2022