



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1047 of 2022

Chellapan

... Petitioner

Versus

State represented by
The Inspector of Police,
AWPS, Gummidipoondi Police Station,
Thiruvallur.
(FIR No.12 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 connection with FIR No.12 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Simon David

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 Section 498(A) of IPC, 1860 in Crime No.12 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has married the defacto complainant on 29.06.2015 from the date of marriage onwards the petitioner has assaulted the defacto complainant and demanding her to get more dowry from her parents and the petitioner is having illegal relationship with one Banu for which the defacto complainant has made a report to the respondent for which the respondent police has called the petitioner and warned him and has given CSR No.124 of 2019 dated 16.07.2019 and once again the petitioner has started assaulting the petitioner and demanding dowry etc. Hence the complaint.



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 the petitioner assaulted the defacto complainant and demanding her to get more dowry from her parents. 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 directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned District Munsif cum Judicial Magistrate, Gummidipoondi, Thiruvallur 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 is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as interim maintenance every English Calendar month (within 7 Days) until modified by the Court of Law to the credit of the wife's account within first week of every English Calendar month and shall produce the said receipt before the Court below.;

[b] 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.

[c] the petitioner is directed to appear before the Mediation at Thiruvallur Mediation Centre for 5 sittings, failing which the order will be cancelled automatically and also the petitioner is directed to appear before the respondent police daily at 10.30 a.m., until further orders;

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



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

[f] 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].

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

-sd/-
25/01/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMMIDIPOONDI,
THIRUVALLUR DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]
- 3 THE INSPECTOR OF POLICE,
AWPS , GUMMIDIPOONDI POLICE STATION,
THIRUVALLUR.
- 4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE OFFICER INCHARGE,
THIRUVALLUR MEDIATION CENTRE,
THIRUVALLUR.

6 THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS

+1 CC to M/S.R.SIMON DAVID Advocate on payment of necessary
charges SR.NO.1243

CRL OP.1047/2022

Date :25/01/2022

RW 31/01/2022