



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Cr1.O.P.No.1470 of 2022

S.Sudhakar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
M.K.B.Nagar, Chennai.
(Cr. No.33 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.33 of 2022 on the file of the respondent.

For Petitioner : Mr.Pandiya Rajan for
: M/s.Sri Balaji Law Associates

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervener : Mr.S.Shankar

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b), 323 and 506(i) of IPC, in Crime No.33 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a matrimonial dispute between the petitioner and the defacto complainant, the petitioner got married the defacto complainant in the month of September 2019. Thereafter, the petitioner and his family members started to harass the defacto complainant and demanded additional dowry. Hence, the complaint was registered.



3.The learned counsel appearing for the petitioner submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner filed a petition in HMOP.No.5189 of 2021 and the same is pending. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioners along with other accused persons had harassed the defacto complainant. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. At the time of enquiry, the petitioner/husband and the wife/defacto complainant are present along with their respective counsels. The petitioner/ husband and the defacto complainant appeared before this Court and the petitioner handed over eight sovereigns of gold and balance amount of Rs.30,000/- to the defacto complainant.

6. Considering the facts and circumstances of the case, since the matter is concerned with the family dispute and HMOP is pending before the trial court, 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, 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 X Metropolitan Magistrate, Egmore, 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 and on further conditions 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 concerned court on each and every hearing dates without fail.

(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.

-sd/-

04/02/2022

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 METROPOLITAN MAGISTRATE NO.X,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
M.K.B. NAGAR, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S SRI BALAJI LAW ASSOCIATES Advocate on payment of necessary charges SR.NO. 2050

+1 CC to M/S D.JAGAN Advocate on payment of necessary charges SR.NO. 1941

CRL OP.1470/2022

Date :04/02/2022

INBA~09/02/2022