



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2585 of 2021

M.Karthikeyan

... Petitioner

Versus

State Rep by
The Inspector of Police
K-5, Peravallur Police Station,
Chennai.
(Crime. No.827 of 2007)

... 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 his arrest in Crime. No.827 of 2007 on the file of the respondent police.

For Petitioner : Mr.K.Nirmal Kumar

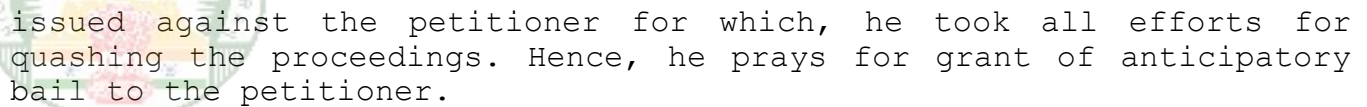
For Respondent : Mr. A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under sections 498-A, 406, 323, 324, 506(ii) of IPC in C.C.No.1515 of 2009 on the Chief Metropolitan Magistrate Court, Egmore, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner left the defacto complainant 20 years back after their wedlock. Thereafter, he did not returned back. Later, the petitioner and the defacto complainant got divorce and he settled at abroad. Hence, the defacto complainant lodged a complaint against the petitioner.

3. The learned counsel appearing for the petitioner submitted that accused No.1 to 3, who were the family members of the petitioner have filed a quash petition before this Court and the same was allowed on the ground that the father of the defacto complainant filed an affidavit stating that her daughter after getting divorce married another person and settled at abroad and hence, they do not want to pursue the matter further. However, look out circular was



5. Considering the fact that the F.I.R registered against the family members of the petitioner was quashed and that at present, the defacto complainant also married another man and settled at abroad, this Court is inclined to grant anticipatory bail to the petitioner.

(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;

(c) the petitioner shall not tamper with evidence or witness 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/-
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 CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE INSPECTOR OF POLICE
K-5, PERAVALLUR POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.NIRMAL KUMAR Advocate on payment of necessary
charges SR.No.1983

CRL OP.2585/2022

Date :04/02/2022

CSK 09/02/2022