



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3757 of 2022

S.SATHIYAJOTHI

[PETITIONER / ACCUSED]

Vs

STATE BY ITS
THE INSPECTOR OF POLICE,
W-22, ALL WOMEN POLICE STATION,
MYLAPORE, CHENNAI.
(CRIME NO.16/2021)

[RESPONDENT]

For Petitioner : M/S. T.P.SAVITHA Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

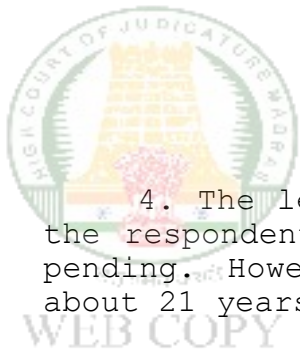
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 417, 506(1) of IPC in Crime No.16 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are relatives and they loved each other for the past five years. It is alleged that under the guise of marriage, the petitioner had physical relationship with the defacto complainant and thereafter refused to marry her. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. He further submits that in order to threatened the petitioner, the defacto complainant lodged the present false case. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that investigation is pending. However, he fairly submits that the victim girl is aged about 21 years and the parties are close relatives.

5. Submissions made by the learned Counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Sections 417, 506(1) of IPC. In respect to Section 417 of IPC is concerned the said offence is bailable offence and in this type of offences for completing the investigation the custodial interrogation may not be necessary. Admittedly, the petitioner and the defacto complainant are close relatives and they loved each other and they were in living together relationship.

7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 learned XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 his 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 shall report before the respondent police daily at 10.30 a.m., until further orders.

(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;

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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

16/02/2022

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 XVIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
W-22, ALL WOMEN POLICE STATION,
MYLAPORE, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. T.P.SAVITHA Advocate on payment of necessary charges SR.No.2525

CRL OP.3757/2022

Date :16/02/2022

CSK 18/02/2022