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Crl.O.P.No.7227 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No. 7227 of 2022

Arvind Chandrasekar

... Petitioner/Accused-3

Vs

The State

Rep. by Inspector of Police

All Women Police Station

Madhavaram,

Chennai.

(Crime No. 3/2019)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No. 3 of 2019 pending on the file of the respondent police.

For Petitioner : Mr. V.Kadhirvelu

For Respondent : Mr.S.Balaji
Government Advocate
(Crl. Side)



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 498-A and 109 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act 2002 and Section 4 of Dowry Prohibition Act, 1961 in Crime No.3 of 2019, seeks anticipatory bail.

2. At the matter of fact, the crime number had been registered as against three accused persons. The present petitioner is the third accused. This Court by an order dated 27.09.2019, had granted anticipatory bail to the first and second accused and had rejected the anticipatory bail application filed by the present accused in Crl.O.P.No. 26149 of 2019.

3. A counter had been filed by the respondent in which it had been stated that there has been substantial progress in the investigation and witness statements of 6 witnesses have been recorded. It has also been stated that the investigation is practically over. In view of the fact



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that substantial investigation has been completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

4. 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 learned Judicial Magistrate – II, Ponneri, 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 shall report before the respondent police on every Monday and Friday at 10.30 a.m., for a period of two weeks.
- (c) the petitioner shall not tamper with evidence or witness either during investigation or trial.



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

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