



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6889 of 2022

RAJU

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE

W/30, ALL WOMEN POLICE STATION,

POONMALLE, CHENNAI-56.

(CR.NO.5 OF 2022)

For Petitioner : M/S.S.MADHUSUDANAN 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 406 & 498(A) of I.P.C in Crime No.5 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that it is alleged that the petitioner and his family members harassed the defacto complainant demanding dowry. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner has already returned the jewels to the defacto complainant. He further submits that the divorce petition in OP.No.792 of 2021 was pending before the learned Sub-Judge, Poonamallee, Chennai. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submits that due to matrimonial dispute between the petitioner and the defacto complainant, the petitioner and his family members ill-treated the defacto complainant demanding dowry. Hence, he opposed for grant of anticipatory bail to the petitioner.



5. It is alleged that the jewels given to the petitioner herein not returned to the defacto complainant. However, the petitioner states that the jewels were already returned to her. The matter set up around the matrimonial dispute between the petitioner and the defacto complainant.

6. Considering the facts and circumstances of the case that the petitioner has already returned the jewels to the defacto complainant and since the matter pertains to the matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate No.2, Poonamallee, 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer as and when required for interrogation.

(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 has 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.

WEB COPY

-sd/-
31/03/2022

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 JUDICIAL MAGISTRATE-2,
POONAMALLEE, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE SUB JUDGE
POONAMALLEE, CHENNAI.

4 THE INSPECTOR OF POLICE
W/30, ALL WOMEN POLICE STATION,
POONMALLE, CHENNAI-56.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.MADHUSUDANAN Advocate on payment of necessary charges SR.No.4941

CRL OP.6889/2022

Date :31/03/2022

CSK 06/04/2022