



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.10386 of 2022

K.P.SHAILENDRA PRABHU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ALL WOMENN POLICE STATION,
SOORAMANGALAM
SALEM-636 016
CRIME NO.46 OF 2021.

[RESPONDENT]

For Petitioner : M/S.G.NIRMAL KRISHNAN Advocate

For Respondent : MR.V.MEGANATHAN, 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 offence under Sections 498(A), 506(i) IPC r/w Section 4 of D.P. Act in Cr.No.46 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner loved each other and got married on 11.07.2016. Further, it is alleged that after marriage, the petitioner along with his family members continuously harassed the de-facto complainant and demanded dowry. Hence, this complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent person and due to family dispute, a false complaint has been lodged against him. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. side) submitted that this is the third anticipatory bail application filed by the petitioner and earlier anticipatory bail applications were dismissed by this Court. However, he fairly submitted that, though the complaint was lodged against the petitioner in the year 2021, till date, the Law enforcing agency has neither completed the investigation nor secured the accused. Hence, he prayed for appropriate orders.

5. Considering the fair submissions made by the learned Government Advocate (Crl.Side), and that, though the complaint was registered against the petitioner in the year 2021, however, till date, the Law enforcing agency has neither secured the accused / petitioner nor completed the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Salem 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 condition 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 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

(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/-
15/06/2022

WEB COPY

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 ADDITIONAL MAHILA COURT
SALEM

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOORAMANGALAM
SALEM DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.NIRMAL KRISHNAN Advocate on payment of necessary charges SR.NO.9233

CRL OP.10386/2022

Date :15/06/2022

JPA 21/06/2022