



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11783 of 2022

S.M.KAMALUDDIN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ROYAPETTAH POLICE STATION,
CHENNAI.
(CR.NO.128 OF 2022)

[RESPONDENT]

For Petitioner : M/S.G.MOHANAKRISHNAN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 498(A) and 506(ii) of IPC in Crime No.128 of 2022, on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant got married in the year 2007 and got a male child aged about 11 years. While being so, as the defacto complainant had noticed changes in the behaviour of her husband from the year 2021 and he had often transferred money from the defacto complainant's bank account to his account, and that he had also been in close contact with one Wazia Sultana, the defacto complainant had warned the petitioner several times. But, the petitioner said to have continued to be in contact with the said Wazia Sultana. Hence, the defacto complainant had gone to her mother's house after a quarrel, where the petitioner along with the other alleged accused persons had went there, assaulted and abused the defacto complainant, her brother and sister demanding the defacto complainant to give the petitioner,



rental income incurred from the commercial property belonging to the defacto complainant and also threatened to delete the photos and videos of the petitioner and Wazia sultana from the mobile phone of the defacto complainant. Hence, the complaint.

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for respondent would submit that the petitioner along with others attacked the defacto complainant and caused injuries. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering the fact that the injured discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai, 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 daily at 10.30 a.m. for a period of four 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].

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

-sd/-

19/05/2022

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,
ROYAPETTAH POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.G.MOHANAKRISHNAN Advocate on payment of necessary charges SR.NO.7418

CRL OP.11783/2022

Date :19/05/2022

CSK 20/05/2022