



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.12708 of 2022

1 NARESH KUMAR
2 SASIKALA
3 KOTEESHWARAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
THAZHAMBUR POLICE STATION,
CHENGALPATTU
CRIME NO.110 OF 2022.

[RESPONDENT]

For Petitioner : M/S.G.K.LOGANATHAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable u/s.294(b), 323 and 506(i) IPC in Crime No.110 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute between the 1st petitioner and the defacto complainant, when the defacto complainant insisted the petitioners to return her articles, the petitioners abused her with filthy language and assaulted her. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that at the time of return of articles to the defacto complainant, there was a wordy quarrel between them. However, the defacto



complainant has foisted a false case against the petitioners. Even now, the petitioners are ready to return all the articles to the defacto complainant by filing an appropriate application before the concerned Court. Hence he prays for grant of anticipatory bail.

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4.The learned Additional Public Prosecutor appearing for the respondent submitted that there is a matrimonial dispute between the 1st petitioner and the defacto complainant and that the proceedings are pending before the family Court.

5.Taking into consideration of the fact that it is a matrimonial dispute and the fact that the proceedings are pending before the Family Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Chengalpattu. on condition that each of the petitioners shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the All Women Police station, Kelambakkam, daily at 10.30 a.m., for a period of 15 days and thereafter as and when required for interrogation.

[c] The petitioners shall furnish the details of all the articles before the Inspector of Police and the Inspector of Police shall call the defacto complainant and handover all the articles to the defacto complainant in their presence and obtain an acknowledgement for the receipt of the same.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners shall not abscond either during investigation or trial.



[f]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

01/06/2022

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,
NO.I, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THAZHAMBUR POLICE STATION,
CHENGALPATTU.

4 THE OFFICER INCHARGE,
ALL WOMEN POLICE STATION,
KELAMBAKKAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.K.LOGANATHAN Advocate on payment of necessary charges SR.NO. 8271

CRL OP.12708/2022

Date :01/06/2022

RW-02/06/2022