



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K.ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13926 of 2022

B.M.SATHISH BABU

[PETITIONER /ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE

W-29 ALL WOMEN POLICE STATION, AVADI,

THIRUVALLUR THIRUVALLUR DISTRICT.

CRIME NO.7 OF 2022.

For Petitioner : M/S.S.SURESH, 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 for the alleged offence under Sections 498(A) and 420 IPC in Crime No.7 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. There are totally six accused in this case. The case of the prosecution is that suppressing the earlier marriage, the petitioner married the defacto complainant on 27.11.2016 and the petitioner's father and mother alleged to have received dowry from her and also that the petitioner's elder sister holding the passport of the defacto complainant's child, abused her and her husband. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that only after getting divorce, the petitioner married the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner, suppressing the earlier marriage married the defacto complainant and cheated her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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5. Considering the nature of allegation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Ambattur, 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 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]**.



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

-sd/-

16/06/2022

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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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
W-29 ALL WOMEN POLICE STATION, AVADI,
THIRUVALLUR, THIRUVALLUR DISTRICT.

+1 CC to M/S.S.SURESH, Advocate on payment of necessary charges
SR.NO.9260

CRL OP.13926/2022

Date :16/06/2022

TA-23/06/2022