



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.15126 of 2021

Nikhil Chandrasekar

...Petitioner

Versus

The State Rep by the
The Inspector of Police
W4, All Women Police Station,
Kilpauk.
Chennai
(Crime No.5 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest pursuant to the Crime No.5 of 2021, on the file of the respondent police station.

For Petitioner : Mr.S.Haja Moideen Gisthi

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervenor : Mr.M.S.Charless

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 498A, 294B IPC in Crime No.5 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner married the defacto complainant in the year 2014. Out of their wedlock, they were blessed with a male child. While so, due to some matrimonial dispute, the petitioner continuously harassed the defacto complainant and also the petitioner's parents and demanded huge amount as dowry and when the same was not obtained by the defacto complainant. The petitioner assaulted the defacto complainant and forcibly evicted her from the matrimonial house. Hence this complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he is an innocent and has been falsely implicated in this case. He also filed OP.No.974 of 2021 pending before Family Court, Chennai for divorce. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner continuously assaulted the defacto complainant and demanded huge amount of dowry. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, since the investigation is almost completed, family dispute pending between parties, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the Additional Mahila Court, Egmore, 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 is directed to appear before the respondent police 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.

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-sd/-
07/01/2022

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 ADDITIONAL MAHILA COURT
EGMORE.

2 THE INSPECTOR OF POLICE,
W4, ALL WOMEN POLICE STATION,
KILPAUK, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.HAJA MOHIDEEN GISTHI Advocate on payment of necessary charges

CRL OP.15126/2021

Date :07/01/2022

CSK 21/01/2022