



Crl.O.P.Nos.22298 & 22246 of 2022

WEB COPY

Crl.O.P.Nos.22298 & 22246 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 354, 351 and 509 IPC in Crime No.318 of 2022, seek anticipatory bail.

2. The petitioner, who apprehend arrest at the hands at the hands of the respondent police for the offences punishable under Sections 448, 384, 323, 352 IPC in Crime No.319 of 2022, seek anticipatory bail.

3. The case of the prosecution, as per the defacto complainant, is that she is practising advocate in the High Court and that on 09.05.2022, while she was giving consultation to her client one Irfana Nasirin in her office, her client received a phone call from her mother stating that her father in law along with seven henchmen had trespassed into her house and attempted to assault her and they have also grabbed the house key from her. Thereby, the defacto complainant had informed the police and she escorted her client to her house. Thereafter, the police arrived to the



CrI.O.P.Nos.22298 & 22246 of 2022

WEB COPY

place and while the defacto complainant was talking to the Police Officer about the occurrence, the accused, without taking into consideration that she is a women lawyer and in order to humiliate her had twisted her arm and attempted to grab her mobile phone. Thereby, she had lodged a complaint against the petitioner. Based on her complaint, a case was registered in Cr.No.318 of 2022. Hence, the case.

4. The case of the prosecution, as per the defacto complainant in Crime No.319 of 2022, is that she is residing at No.33/16, Gandhi Road, Gil Nagar Extension, Choolaimedu, Chennai, which was her matrimonial house. As per her complaint, there was a matrimonial dispute between her and her husband and that a case is also pending before the Madurai Court. Further, the defacto complainant had also preferred a complaint before the Inspector of Police, All Women Police Station, Talakkulam. While that being so, on 09.05.2022, while she along with her father were in her Advocate's Office, she received a phone call from her mother stating that some persons had trespassed into her house and they have also grabbed the house key from her. Immediately, thereafter, the defacto



Crl.O.P.Nos.22298 & 22246 of 2022

WEB COPY

complainant gave a call to the emergency police number and went to her house along with her advocate and the accused had threatened the defacto complainant and her advocate. Therefore, she lodged a complaint before the respondent police. Based on that complaint, a case was registered in Crime No.319 of 2022.

5. The learned counsel appearing for the petitioner in both Crl.O.P's would submit that it is a case of a matrimonial dispute between the parties, which has been exaggerated as a case of extortion and criminal assault. He would submit that there was a matrimonial dispute pending between the petitioner's son and the defacto complainant in Crime No.319 of 2022 and the defacto complainant and her parents have already left the matrimonial house at Door No.33/16, Gandhi Road, Gil Nagar Extension, Choolaimedu, Chennai and that on the date of occurrence, the defacto complainant along with her advocate and others had attempted to trespass into the house and created a problem, resulting in a wordy quarrel between the parties. He would submit that the defacto complainant in Crime No.318 of 2022 attempted to record the quarrel



Crl.O.P.Nos.22298 & 22246 of 2022

WEB COPY

and the petitioner not being aware that she is an advocate in a fit of rage had grabbed her mobile phone. Other than that, he had not done anything as alleged by the prosecution. Further, the petitioner has also filed an affidavit of apology rendering his apology to the advocate for his action done in a fit of rage. He would reiterate the fact that the daughter in law of the petitioner had attempted to trespass into the property, based on which, a case has also been registered in Crime No.317 of 2022 against her. Therefore, he prays for grant of anticipatory bail to the petitioner.

6. The learned Government Advocate (Crl.Side) would submit that it is a case of a matrimonial dispute. The petitioner, who is the father in law of the defacto complainant in Crime No.319 of 2022, had created a problem and threatened the defacto complainant and also attempted to throw her out of her matrimonial house. He would further submit that investigation in respect of Crime No.317 of 2022 and Crime No.319 of 2022 have been stayed by this Court. However, he opposed for grant of anticipatory bail to the petitioner.



Crl.O.P.Nos.22298 & 22246 of 2022

WEB COPY

7. The learned counsel appearing for the defacto complainant/Intervenor in both Crl.O.P's would submit that though the defacto complainant in Crime No.319 of 2022 had a problem with her husband, they both were living in the same house at Door No.33/16, Gandhi Road, Gil Nagar Extension, Choolaimedu, Chennai. While that being so, the petitioner, who is the father in law of the defacto complainant, with the help of some rowdy elements attempted to throw her away from her matrimonial house. The defacto complainant in Crime No.318 of 2022, who is the advocate of the wife coming to know about the alleged occurrence, had rushed to the place along with her client, where the petitioner along with henchmen abused and humiliated them and also assaulted the defacto complainants in both the cases. Further, the petitioner, knowing well that the defacto complainant in Crime No.318 of 2022 is an advocate, had assaulted her and prevented her from discharging her duties as an advocate. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



Crl.O.P.Nos.22298 & 22246 of 2022

WEB COPY

8. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record, including the F.I.R.

9. Considering the facts and circumstances of the case and the submissions and also considering the affidavit of apology filed by the petitioner, which shall be a part of the Court records, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

10. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned XVII Metropolitan Magistrate, Saidapet, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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:



Crl.O.P.Nos.22298 & 22246 of 2022

WEB COPY

[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] petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

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

28.10.2022

Anu

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.O.P.Nos.22298 & 22246 of 2022

Anu

Crl.O.P.Nos.22298 & 22246 of 2022

28.10.2022

(1/2)