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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24144 of 2021

1. Sandeep Amarnath

2. Kishore Amarnath

...Petitioners

Versus

State By,
The State of Tamil Nadu
Rep by the Inspector of Police
W-3, All Women Police Station,
Egmore, Chennai.
(Crime No.1 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.1 of 2021, on the file of the Inspector of Police, W-3, Egmore All Women Police Station, Chennai.

For Petitioners : Mr.S.Anil Sandeep

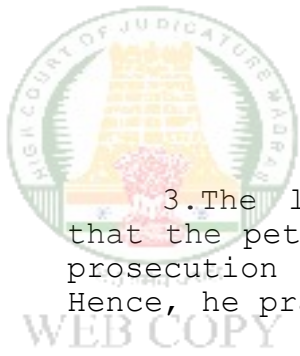
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervenor : K.Balasubramaniam

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 498(A), 354 & 506 (I) of IPC in Crime No.1 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that defacto complainant was forced to leave the matrimonial home, due to physical and mental harassment made by the first petitioner along with his elder brother. Hence, the complaint.



3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the first petitioner and his elder brother physically and mentally harassed the defacto complainant. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. When the matter is taken up for hearing, the petitioner along with his counsel and the defacto complainant along with her child appeared before this Court through video conferencing. At the time of argument of the learned counsel appearing for the petitioners submit that the first petitioner/husband fairly accepted to pay the maintenance as suggested by this Court.

6. Considering the facts and circumstances of the case and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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(M.M), Egmore, Chennai, on condition that the petitioners shall execute a separate 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 petitioners 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 first petitioner is directed to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as interim maintenance every month to the children. The amount may be deposited in the account of the minor children under the guardianship of the defacto complainant in the first week of every English Calender month until further orders, failing which order of anticipatory bail will be canceled. Further, the petitioner is directed to pay the school fees on production of the receipt issued by the school authorities. Thereafter, the defacto complainant has to collect the said amount from the first petitioner. The petitioner is directed to talk with the child daily between 07.00 p.m. to 08.00 p.m., and as a interim visitation right, he is permitted to visit the child at the Family Court, Chennai, on every



Saturday at 10.00 a.m., between 2.00 p.m., and once the lock down is released he may be permitted to visit the minor child in any shopping mall as decided by the first petitioner and the defacto complainant..

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

06/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA COURT,
METROPOLITAN MAGISTRATE, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
W-3, ALL WOMEN POLICE STATION,
EGMORE, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE FAMILY COURT,
CHENNAI.

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+3 CC to M/S. S.ANIL SANDEEP Advocate on payment of necessary
charges SR.NO.289

CRL OP.24144/2021

Date :06/01/2022

RW 21/01/2022