



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25697 of 2021

Sanjeevi

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
AWPS, Gummidipoondi
Thiruvallur District.
(Crime No.16 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.16 of 2021, on the file of the respondent Police.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under Section 498(A) of IPC, in Cr.No.16 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein harassed the defacto complainant viz., Ramya, the wife of the petitioner herein and demanded dowry from the defacto complainant. Hence, she lodged the complaint with the respondent.

3.The learned counsel appearing for the petitioner submits that the marriage between the petitioner and the defacto complainant has been solemnized on 24.08.2010, thereafter, the petitioner and defacto complainant lead the matrimonial life peacefully. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the petitioner married another girl. Hence, the dispute arose in the family. The petitioner's father executed a settlement deed in favour



of the Children born through this petitioner and the defacto complainant and the copy of the settlement deed dated 06.08.2021 and executed settlement deed in favour of the defacto complainant and two children were aged about 11 and 7 years.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed and the first petitioner is ready to give maintenance to the two children, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions

6. Accordingly, the petitioner is directed 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 learned District Munsif cum Judicial Magistrate, Gummidipoondi, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to pay a sum of Rs.5,000/- as maintenance to his children on first week of every Month of succeeding English Calender until further orders passed in M.C. Case, failing which order will be cancelled.

(c) the petitioner shall report before the respondent police on every Monday and Thursday at 10.30 a.m., for a period of four weeks and thereafter as and when required for an interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 petitioner in accordance with law as if the conditions has 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;



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

-sd/-

02/02/2022

WEB COPY

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
AWPS, GUMMIDIPOONDI,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.25697/2021

Date :02/02/2022

INBA~11/02/2022