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Crl.O.P.No.31446 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31446 of 2024

SIVAPRAKASH

S/o.Ayyanar, No.369, Thiruvalluvar Street,
Kodukkur, Villupuram Taluk and District, Pincode -
605 501.

Petitioner(s)

Vs

The State by
THE INSPECTOR OF POLICE, All Women Police
Station, Mamallapuram, Chengalpattu District. Crime
No.6 of 2024.

Respondent(s)

For Petitioner(s):

Muthupandi V
A.Anandharaj
N.Mohanapriya

For Respondent(s): Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 85 of BNS in Crime No.06 of 2024, on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution as per the defacto complainant is that, she got married with the petitioner and due to difference of opinion between them and conduct of the petitioner, the defacto complainant has been abused and harassed by the petitioner on demand of dowry, thereby committed cruelty on her and further left the defacto complainant in her parent's home. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and has not committed any offence and falsely implicated in this case. He further submitted that due to matrimonial dispute between the petitioner and the defacto complainant, a false complaint has been lodged by the defacto complainant. He also submitted that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that the defacto complainant is the wife of the petitioner herein and due to matrimonial dispute and on demand of dowry, the petitioner had committed cruelty on the defacto complainant.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the nature of offence and relationship between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned District Munsif cum Judicial Magistrate, Thirukalukundram** on condition that the petitioner 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, 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



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the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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[b] the petitioner shall report before the respondent police every Saturday at 10:30 a.m., until further orders.

[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

17.12.2024

stn

To



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1. The State by
THE INSPECTOR OF POLICE,
All Women Police Station,
Mamallapuram,
Chengalpattu District.
Crime No.6 of 2024.

A.D. JAGADISH CHANDIRA, J.

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