

CRL.O.P.No.17043 of 2016

S.VAIDYANATHAN,J.

The petitioner, who was arrested and remanded to judicial custody on 20.06.2016 for the alleged offence punishable under Sections 468(A), 376 and Section 4 of Women Harassment Act, 2002, in Crime No.10 of 2016 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. The case of the prosecution is that the petitioner is alleged to have harassed the defacto complainant, who is none other than his wife. Hence, the present complaint.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner and the defacto complainant are husband and wife. Initially both of them were loved each other and thereafter, they got marriage on 17.06.2016 without the consent of their parents. Due to wordy quarrel arose between the family members of the members and the defacto complainant with regard to the alleged marriage, a false complaint has been foisted against the petitioner.

5. Learned Government Advocate (Crl. Side) would submit it is a matter of family dispute and that there is no bad antecedents against the petitioner.

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6. As it is a family dispute with regard to difference of opinion between the husband and wife, this Court is of the view that custodial interrogation of the petitioner is not required at this stage. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is not involved in any previous case and also considering the period of incarceration of the petitioner, **the petitioner is ordered to be released on bail subject to the following conditions:**

(i)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 Judicial Magistrate II, Vellore District;

(ii)the petitioner shall report before the respondent police daily twice at 10.30 a.m. and 5.30 p.m., until further orders;

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

(iv)the petitioner shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the 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 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]**.

05.08.2016

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