

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5385 of 2020

N.NAGASUDHAN

[PETITIONER / ACCUSED]

Vs

STATE OF TAMILNADU REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
W-26, ALL WOMEN POLICE STATION,
ASHOK NAGAR, CHENNAI. CR.NO.2 OF 2020.

For Petitioner : M/S.S.GIRITHARAN Advocate

For Respondent : MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406 and 506(ii) of IPC, in Crime No.2 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., V.Rashmika is that the marriage between the de-facto complainant and the first accused took place on 08.07.2019 and at that time of marriage her father has spent a sum of Rs.10,00,000/- for the marriage expenses and 35 sovereigns of jewels and 1 kg of silver were given as dowry and she became pregnant and that her mother-in-law second respondent used to abuse her and later under the guise of taking her to Canada, made her to abort the pregnancy and later sent to her father house. Thereafter, the accused had blocked her call and had absconded from the house and without returning the jewels given as dowry to her.

3. The learned counsel for the petitioner would submit that the complaint was given on 22.01.2020 and without conducting the preliminary enquiry and without referring the case to the District Social Welfare Officer, the respondent police had registered a case immediately. He would further submit that it was in fact the de-facto complainant who wanted to go Canada and she did the abortion with the intention of going to Canada and after preferring this complaint she has left abroad. The entire jewels were in custody of the de-facto complainant only.

4. The learned Additional Public Prosecutor would submit that the petitioner was married to the de-facto complainant on 08.07.2019 and at that time of marriage 40 sovereigns gold jewels were given to as a dowry and amount of Rs.10,00,000/- was spent by the father of the de-facto complainant, later, the petitioner and her mother have committed cruelty on the de-facto complainant.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 is made ready, before the learned XXIII Metropolitan Magistrate, Saidapet, Chennai, 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 conditions that:

[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 Aadhaar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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 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].

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

-sd/-
10/03/2020

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 XXIII METROPOLITAN MAGISTRATE
SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
W-26, ALL WOMEN POLICE STATION,
ASHOK NAGAR, CHENNAI.

5 THE OFFICER INCHARGE,
DISTRICT SOCIAL WELFARE OFFICER,
CHENNAI

CC to M/S.S.GIRITHARAN Advocate on payment of necessary charges
sr.4755

CRL OP.5385/2020

Date :10/03/2020

RVR 24/03/2020