

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.7363 of 2020

J.Sathish

... Petitioner

Vs.

The State rep. by
The Inspector of Police
W-16, All Women Police Station
Pulianthope, Chennai
(Crime No.4 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.4 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.M.Ganesh Babu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.03.2020 for the offences punishable under Section 417, 376, 506 (II) IPC R/W Sec. 4 of Women Harassment Act, in Crime No.4 of 2020, seeks bail.

2.The learned counsel appearing for the petitioner would submit that the petitioner had been granted interim bail by this Court on the undertaking given by the petitioner that he would marry the victim and get the marriage registered. He would further submit that the petitioner has duly complied with the order and the marriage between the petitioner and the defacto complainant was registered at the office of SRO, Purusaiwakkam on 18.08.2020 in Reg.No.TMR/Purasaivakkam /99/2020.

3.The learned Government Advocate (Criminal Side) would submit that the petitioner was granted interim bail by this Court and the petitioner has duly complied with the conditions imposed and the marriage between the petitioner and the defacto complainant had been registered at the office of SRO, Purusaiwakkam on 18.08.2020 in Reg.No.TMR/Purasaivakkam /99/2020.

4.Taking into consideration of the fact that the petitioner has been granted interim bail by this Court and the the undertaking given by the petitioner has also been duly complied with, the interim bail granted by this Court is hereby made absolute subject to the following conditions:

(a) Accordingly, the petitioner is directed to surrender on condition to execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Additional Mahila Court, Egmore, Chennai, **within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, failing which the bail granted by this Court shall stand dismissed automatically;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police as and when required for interrogation.

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

5. With the above direction, this Criminal Original Petition stands ordered.

-sd/-
25/08/2020

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 THE ADDITIONAL MAHILA COURT,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-16, ALL WOMEN POLICE STATION,
PULIANTHOPE, CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M.Ganesh Babu Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.7363/2020

Date :25/08/2020

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MN(CS)-07/09/2020