

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10447 of 2020

K.Kannadhasan, M/A. 35 years,
S/o.Karunamoorthy,
residing at
Door No. 1327/3, 5th Street,
E.B.Nagar, Sevur, Arni Taluk,
Tiruvannamalai District - 632 316. Petitioner/1st Accused

Vs.

The State represented by,
The Inspector of Police,
Vaniyambadi Taluk Police Station,
Vellore District.
(Crime No.845 of 2020) Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police herein concerned in Crime No. 845 of 2020 on the file of the Inspector of Police, Vaniyambadi, Taluk Police Station, Vellore District.

For Petitioner : Mr.G.Saravanan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b), 323 and 506(i) of IPC in Crime No. 845 of 2020, 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 to the petitioner on 26.04.2020 and immediately after the marriage, the petitioner and his family members have harassed and tortured her demanding a sum of Rs.2,25,000/- by way of cash and also other gold ornaments towards additional dowry and

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given based on the instigation of the father of the defacto complainant. He would submit that the defacto complainant had been forced into the marriage by her parents and immediately after marriage, she created problems and left the matrimonial home. The petitioner has sent a notice for Restitution of Conjugal Rights and immediately, on receipt of notice, a false complaint has been given. He would further submit that the respondent even without conducting preliminary enquiry and without referring the matter to the Social Welfare Officer, has straight away registered the case.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner immediately after marriage, along with his relatives have harassed the defacto complainant and demanded a sum of Rs.2,25,000/- by way of dowry and also demanded 25 sovereigns of gold. He would submit that marriage was solemnized on 26.04.2020 and within a month, the accused have driven her out demanding more dowry.

5. Taking into consideration the facts and submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned The Judicial Magistrate, Vaniyampadi, Vellore District, 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 Magistrate may obtain a copy of their Aadhar 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 229A IPC.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-

13/07/2020

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 JUDICIAL MAGISTRATE,
VANIYAMPADI, VELLORE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VANIYAMBADI TALUK POLICE DISTRICT
VELLORE DISTRICT

CC to M/S. G.SARAVANAN Advocate on payment of necessary charges

CRL OP.10447/2020

Date :13/07/2020

RD 18/08/2020

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