

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11211 of 2020

Loganathan

... Petitioner

Vs.

The State Represented by :-

The Inspector of Police,
All Women Police Station,
Gingee,
Villupuram District.

Crime No.Not known of 2020 ... Respondent

Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.Not known of 2020, on the file of the respondent Police.

For Petitioners : Mr.M.Gnanasekar

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

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) IPC in Crime No.Not known of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that as per the defacto complainant/Mariammal, she got married to the petitioner in the year 2017. The further allegation is that the petitioner had took away 15 sovereign Gold, 2.5 lakhs cash from the defacto complainant and driver her out from the matrimonial home and the petitioner also demanded for more money. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the marriage between the petitioner and defacto complainant took place on 01.06.2017 and within 5 months of marriage the defacto complainant left the matrimonial house without informing the petitioner. Thereby, the petitioner has filed H.M.O.P.No.30 of

2020 before the Sub-Court, Gingee on 06.07.2020. He further submitted that the defacto complainant has not preferred to give any complaint for the past 2 years. However, based on the complaint given by the defacto complainant before the respondent and the petitioner was called for an enquiry and he also appeared for an enquiry for more than 14 times and now suddenly after the filing of HMOP, the FIR has been registered. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent would submit that the marriage between the petitioner and the defacto complainant was took place on 01.06.2017, within 5 months the defacto complainant was driven out from the matrimonial house. After getting 15 sovereign gold and Rs.2.5 lakhs cash the petitioner had demanded more money. Hence, he opposed for the grant of anticipatory bail to the petitioner.

6. Taking into consideration the facts that the present case has been filed after the filing of H.M.O.P.No.30 of 2020, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Judicial Magistrate, Gingee, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30a.m for a period of two weeks and thereafter every Monday at 10.30a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

28/07/2020

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,
GINGEE.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GINGEE, VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1CC to M/S. M.GNANASEKAR Advocate on payment of necessary charges SR NO.5787

CRL OP.11211/2020

Date :28/07/2020

MK:13/08/2020

MK:14/08/2020