

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11573 of 2020

M.Dhivagar
S/o.Mahalingam

... Petitioner

Vs.

The State Rep. By its
The Inspector of Police,
All Women's Police Station,
Nannilam,
Tiruvarur District.
(Crime No.5 of 2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.5 of 2018 on the file of the Inspector of Police, All
Women's Police Station, Nannilam, Thiruvarur District.

For Petitioner : M/s.Thilaga Balasubramanian
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 offences punishable under Sections 294(b), 498(A) and 506(i) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.5 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner and defacto complainant was solemnized on 02.02.2014. The petitioner is working in Maldives. The petitioner and his family members demanded dowry from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that due to matrimonial dispute a false case has been foisted against the petitioner by the defacto complainant. She would also submit that he is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, she prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that on the complaint lodged by the defacto complainant/ wife of the

petitioner, the respondent police registered a case in Crime No.5 of 2018 and after completing the investigation the respondent police filed a final report before the learned Judicial Magistrate, Nannilam and the case has been taken up in C.C.No.240 of 2018. He would further submit that the petitioner has not appeared before the trial Court and the next hearing date is on 08.09.2020.

5. Considering the above fact 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 made ready, before the learned Judicial Magistrate, Nannilam 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 one week and thereafter, every Monday at 10.30 a.m., until further orders.

[c] the petitioner shall appear before the learned Judicial Magistrate, Nannilam on the next hearing date i.e., 08.09.2020 without fail and he shall surrender his pass port before the concerned Magistrate Court.

[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 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].

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

-sd/-
03/08/2020

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 JUDICIAL MAGISTRATE,
NANNILAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANNILAM, TIRUVARUR DISTRICT,

CC to M/S. THILAGA BALASUBRAMANIAM Advocate on payment of
necessary charges

CRL OP.11573/2020

सत्यमेव जयते Date : 03/08/2020

RD 02/09/2020

WEB COPY