



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11875 of 2020

O.Karthikeyan

... Petitioner

Vs.

The State Represented by,

... Respondent

The Inspector of Police,

All Women Police Station,

Dharapuram.

(Crime No.8 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest by the respondent police in Crime No.8 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Balaji

For Respondent : Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(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 498 (A), 323 and 506(2) of IPC in Crime No.8 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to a wordy quarrel between the petitioner and the defacto complainant, the petitioner abused and attacked the defacto complainant's father and also threatened him with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioner submitted that due to the Corona Pandemic, for the past 3 months, the petitioner and the defacto complainant were living in the house of the parents of the defacto complainant. The learned counsel for the petitioner would submit that during this period, it has been the habit of the father of the defacto complainant, that he whenever returns home from outside, without washing hands, he used to take the child of the petitioner, for which the petitioner raised objection. Due to this, the father of the defacto complainant got angry and at his instigation, the defacto complainant had given the false compliant. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the defacto complainant married the petitioner 9 years back. He further submitted that there was wordy quarrel between the petitioner and the defacto complainant as a result of which the petitioner attacked the de facto complainant's father. He would submit that the accused person harassed the de-facto complainant by demanding more dowry. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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 fifteen after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, before the **learned Judicial Magistrate, Dharapuram**, 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:

[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/-
06/08/2020

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARAPURAM.

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

CRL OP.11875/2020

Date :06/08/2020

TA-21/09/2020