

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

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

Crl.O.P.No.11883 of 2020

Neelangandan

... Petitioner

Vs.

State Rep by Inspector of Police  
All Women Police Station  
Melmaruvathur, Kancheepuram District.  
(Crime No.01 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.01 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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 was arrested and remanded to judicial custody on 13.06.2020 for the offence punishable under Sections 498(A), 494 and 313 of IPC and Section 4 of Women Harassment Act 2000 in Crime No.01 of 2020, seeks bail.

2.The case of the prosecution as per the de-facto complainant one Dhanalakshmi is that the marriage between the petitioner and the de-facto complainant took place on 10.10.2014 and out of the wedlock a female child was born to them. Thereafter, the petitioner constantly harassed the defacto complainant by demanding dowry. When the de-facto complainant conceived for second time, the petitioner along with his family members caused miscarriage to her. Thereafter, the petitioner demanded dowry and driven her from the matrimonial home. Further, the accused had performed the second marriage with a minor girl aged 17 years.

3.The learned counsel for the Petitioner would submit that the petitioner is a innocent and he has falsely implicated in this case. He would further submit that due to matrimonial dispute, the de-facto complainant left the matrimonial home and living with her parents and did not turn up till date. Further, when she demanded some lands from the petitioner, the petitioner refused for the same for which the present complaint is lodged by her in order to wreck

vengeance against the petitioner. He would further submit that the petitioner is in custody from 13.06.2020.

4.The learned Government Advocate (Criminal Side) would submit that the accused have caused miscarriage to the de-facto complainant when she conceived for second time. He would further submit that the earlier two bail applications filed by the petitioner was dismissed and the major part of the investigation has been completed and the petitioner is in custody from 13.06.2020. Hence he opposed to grant of bail to the petitioner.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel and the period of incarceration suffered by the petitioner from 13.06.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Madhurantakam 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;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

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

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

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

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

6. 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,  
NO.II, MADURANTHAKAM

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
MELMARUVATHUR, KANCHEEPURAM DISTRICT.

4 THE OFFICER INCHARGE,  
SUB JAIL, SAIDAPET, CHENNAI

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

CRL OP.11883/2020

Date :06/08/2020

RVR 11/09/2020

WEB COPY