

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14413 of 2020

Selvaraj

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
B-1 Town Police Station,
Dharmapuri
(Crime No.2074/2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail in the event of arrest of the petitioner in connection with Crime No.2074 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Selvam

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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) of IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Cr. No.2074 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per defacto complainant Vijayalakshmi is that she married the petitioner on 2009 and when they were living together as husband and wife, the petitioner has taken Rs.10,00,000/- without the knowledge of the defacto complainant and married another women and cheated her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a innocent person and he has been falsely implicated in this case. He would further submit that there was matrimonial dispute pending between the petitioner and the defacto complainant, due to which a false complaint has been lodged against the petitioner. He would also submit that without prejudice to his defence and

contention, the petitioner is ready and willing to deposit Rs.2,00,000/- to the defacto complainant and he also taken Demand Draft bearing No.'306932' for Rs.2,00,000/- drawn on 22.09.2020, State Bank of India, Dharmapuri Branch and he has no objection in handing over the Demand Draft to the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner who is the husband of the defacto complainant had taken Rs.10,00,000/- from the defacto complainant and married another women. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the submission made by the petitioner that without prejudice to his defence and contention, the petitioner has voluntarily come forward to deposit Rs.2,00,000/- to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] 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 copy of the order is made ready, before the learned Additional Mahila (Magistrate level) Dharmapuri 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:

[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 deposit the above Demand Draft before the learned Magistrate concerned after intimating to the defacto complainant. The learned Magistrate shall handover the DD to the defacto complainant after due verification.

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

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

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

[g] On breach of any of the aforesaid conditions, the learned Magistrate 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 himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

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

-sd/-

30/09/2020

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 ADDITIONAL MAHILA (MAGISTRATE LEVEL),
DHARMAPURI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
B-1, TOWN POLICE STATION,
DHARMAPURI.

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

WEB COPY

CRL OP.14413/2020

Date :30/09/2020

cs 28/10/2020