

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15143 of 2020

AND Cr1.M.P.No.6243 of 2020

1.Sathish Kumar
2.Devi
3.Senthil Kumar
4.Sathyamoorthy
5.Rajkumar
6.Viji @ Vijayalakshmi Petitioners

Vs.

State rep.by
The Inspector of Police,
All Women Police Station,
Vellore.
[Crime No.19 of 2020] Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.19 of 2020 on the file of the respondent police.

For Petitioners : Mr.G.Somasekar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 354, 506(i), 498(A) of IPC r/w Section 4 of T.N.D.P.Act, in Crime No.19 of 2020, on the file of the respondent, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Ramya is that the first petitioner/Sathish Kumar married her and thereafter he had deceived her. The further allegation is that he had extracted so much money from her and also tried to kill her. When the earlier marriage with the defacto complainant is in subsistence, he has married another woman on 03.08.2020. Once the defacto complainant came to know about the second marriage, she had gone to the petitioners' house and asked the first petitioner to live with her. At that time, the other petitioners scolded and abused her in filthy language and also attempted to kill her on 21.08.2020.

Later it was found that the first petitioner suppressing the

marriage between the defacto complainant and himself, had married another woman on 03.08.2020 for the second time. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and due to matrimonial dispute, a false complaint has been given. He would further submit that he is not pressing the application in respect of the first petitioner and as far as the other petitioners are concerned, they were not aware of the marriage between the first petitioner and the defacto complainant. Since it was a love marriage, the marriage between them had been solemnized at Kalasapakkam Sub-Registrar Office on 02.04.2019. He would further submit that there was no demand of dowry on the side of the petitioners 2 to 6. He would further submit that the petitioners 2 to 6 are not aware of the marriage held between the first petitioner and also with the another woman, while the earlier marriage was in subsistence. Hence, he prays for grant of anticipatory bail to the petitioners 2 to 6.

4. The learned Additional Public Prosecutor would submit that the first petitioner married the defacto complainant on 02.04.2019 and it was a love marriage. Thereafter, the first petitioner had received a lot of money from the defacto complainant and cheated and abused her. Later, he also married another woman while the earlier marriage was in subsistence. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. The learned counsel for the Intervener would vehemently oppose stating that the first accused in this case induced the victim to marry him and received a lot of money from her. After some time, he along with the other accused, who are his relatives, abused and assaulted the defacto complainant. Further, a panchayat was conducted on 03.07.2019. Even, at that time, the petitioners/accused have abused her. Later, on 03.08.2020, the first petitioner has married another woman.

6. Taking into consideration of the fact that the learned counsel is not pressing this anticipatory bail application as against the 1st petitioner, his anticipatory bail application stands dismissed as not pressed.

7. Taking into consideration of the facts and submissions of the learned Counsel and also considering the fact that the petitioners 2 to 6 are only the family members of the 1st petitioner, this Court is inclined to grant anticipatory bail to the petitioners 2 to 6 subject to the following conditions;

8. Accordingly, the petitioners 2 to 6 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Additional Mahila Court, Vellore on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners 2 to 6 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aaksa-2ar card or Bank pass Book to ensure their identity.

[b] the petitioners 2 to 6 shall report before the respondent Police every day at 10.30 a.m., for a period of two weeks and thereafter, every Monday at 10.30 a.m. until further orders.

[c] the petitioners 2 to 6 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 to 6 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 petitioners 2 to 6 in accordance with law as if the conditions have been imposed and the petitioners 2 to 6 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.

9. With the above directions, the Criminal Original Petition as against the first petitioner stands dismissed as not pressed and as far as the petitioners 2 to 6 are concerned, the Criminal Original Petition stands ordered. Consequently, connected Criminal Miscellaneous petition is also closed.

-sd/-

03/11/2020

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 COURT,
VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE

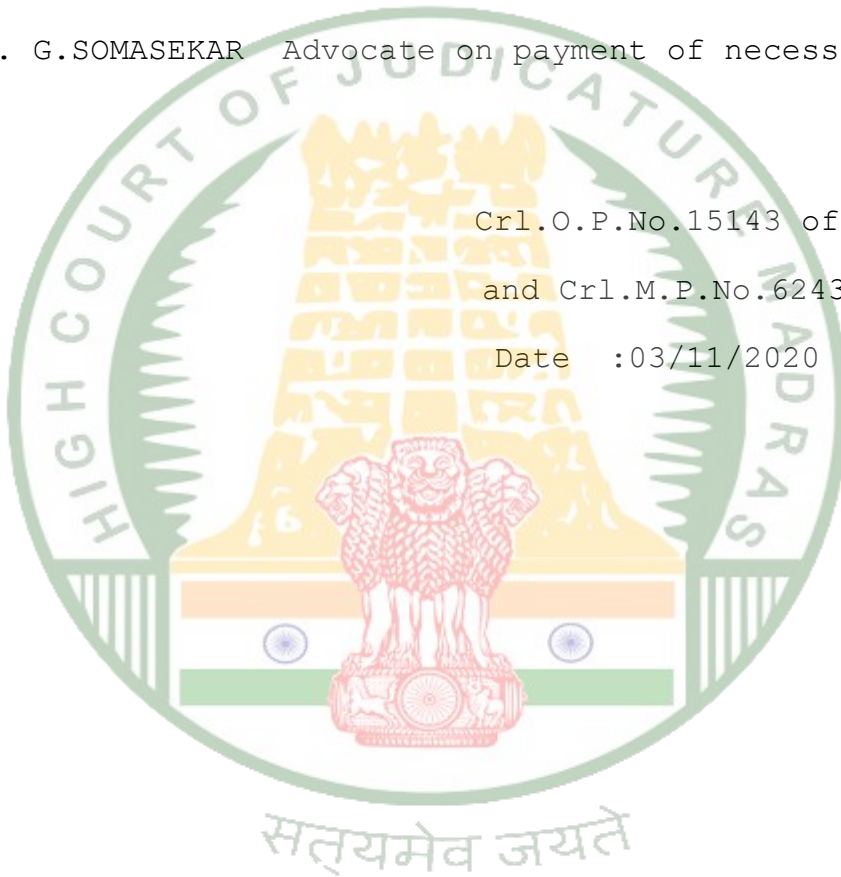
CC to M/S. G.SOMASEKAR Advocate on payment of necessary charges
Sr.7272

Crl.O.P.No.15143 of 2020

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Date :03/11/2020

RVR 09/11/2020



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