

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15298 of 2020

GANESHMOORTHY

... Petitioner

Vs.

The Sub Inspector of Police,
Virudhampet Police Station,
Vellore District.
(Crime No.1125 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1125 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Elumalai

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. 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 27.08.2020 for the offences punishable under Section 294(b), 323, 341, 355, 417, 420, 448, 506(1) IPC, Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.1125 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Karthiyazhini is that the petitioner befriended with her and having physical relationship. While so, during the year 2011, the petitioner had received a sum of Rs.2,50,000/- and 20 sovereigns of gold jewellery from the defacto complainant and did not return the same. While so, when the defacto complainant demanded the money and gold jewellery, the petitioner, on 15.04.2020, had gone to the house of the defacto complainant and abused her in filthy language, assaulted her and also threatened her that the video taken during their relationship will be uploaded in the social media.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to financial dispute. He would further submit that the petitioner is aged about 37 years and that the defacto complainant is aged about 47 years and in fact that the defacto complainant had cheated the petitioner and had given a false complaint. He would further submit that the matter was later intervened by other persons known to them and settled between the petitioner and the defacto complainant. The defacto complainant has also filed an affidavit stating that the matter has been settled between them and she had also stated no objection in the affidavit for granting bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had illicit relationship with the defacto complainant and using his relationship, the petitioner had taken an amount of Rs.2,50,000/- and also gold jewels of 20 sovereigns and refused to return them back and later when the same was demanded by the defacto complainant, he has abused and assaulted her.

5.Heard the learned counsels on either side. Perused the affidavit filed by the defacto complainant. Affidavit filed by the defacto complainant is taken on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that the matter has been settled between the parties and the affidavit to that effect has also been filed by the defacto complainant, 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 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 Judicial Magistrate Court No.III, Vellore, and on further conditions that:

(b) 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;

(c) the petitioner on his release from prison shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

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

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

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

(g) 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];

(h) 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/-

07/10/2020

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 COURT
NO.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,
VIRUDHAMPET POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.G.ELUMALAI Advocate on payment of necessary charges
SR.No.6669

CRL OP.15298/2020

Date :07/10/2020