

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15948 of 2020

P.T.Vijay Sukumar

... Petitioner

Vs.

State rep. through
The Inspector of Police,
All Women Police Station,
Ambattur,
Ambattur, Chennai.
Crime No.9 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of their arrest by the respondent in respect of the Crime No.9 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Peranban

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under **Sections 498A, 506(i) of IPC** in Crime No.9 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Sangeetha is that the marriage between the defacto complainant and the petitioner/A1 took place on 03.02.2019. At the time of marriage eleven sovereigns of gold, one kilogram of silver and four lakhs cash were given. Thereafter, the husband had demanded 15 sovereigns of gold additionally and that was also given. The further allegation is that the first petitioner had harassed and demanded more dowry from the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and they have been falsely implicated in this case. He would further submit that the defacto complainant was not interested in the marriage and she has left the matrimonial home. Despite the petitioner's insistence to come to the

matrimonial home, She did not come and the petitioner has filed a petition for restitution of conjugal rights on H.MO.P.No.5008 of 2018 before the family Court and only as a retaliation, the defacto complainant has given the complaint. He would further submit that the defacto complainant has also filed various proceedings including the proceedings under the DVA Act. He would further submit that the petitioner is prepared to abide by any conditions.

4.The learned Additional Public Prosecutor would submit that the marriage between the petitioner and the defacto complainant took place on 03.02.2019. The petitioner demanded further dowry and harassed the defacto complainant and she was driven out from the matrimonial home.

5.Taking into consideration of the fact that and also materials filed along with this petition, this court is inclined to grant anticipatory bail to the petitioner.

6. Considering the facts of this case and the submissions made by the counsels and the fact that, this Court is inclined to grant anticipatory bail to the petitioner.

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 order copy is made ready, before the **learned Judicial Magistrate Ambattur**, on condition that the petitioner shall execute a separate 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:

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

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

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[g] 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/-
05/11/2020

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 JUDICIAL MAGISTRATE,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMBATTUR, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.PERANBAN Advocate on payment of necessary charges SR.NO.7358

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Date :05/11/2020

TA-19/11/2020

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